

for the year ending June 30, 1903, shall take effect—to the Committee on Indian Affairs.

By Mr. CURTIS: A concurrent resolution (H. C. Res. 51) providing for the printing of 33,000 copies of a volume on farm animals—to the Committee on Printing.

By Mr. LACEY: A resolution of the Iowa legislature, in favor of the passage of H. R. 8325, providing for swamp-land adjustment—to the Committee on the Public Lands.

By Mr. NAPHEN: A resolution of the legislative assembly of the State of Massachusetts, relative to the building of war vessels in the navy-yards of the United States—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 14498) to correct the military record of John Herbst—to the Committee on Military Affairs.

By Mr. CURTIS: A bill (H. R. 14499) granting an increase of pension to Alex S. Bowen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14500) granting an increase of pension to Thomas G. Forrester—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 14501) granting an increase of pension to Jane A. Ward—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 14502) granting an increase of pension to Mary A. McMillan—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: A bill (H. R. 14503) to remove the charge of desertion against Henry Arnold—to the Committee on Military Affairs.

By Mr. JOY: A bill (H. R. 14504) to correct the military record of John Brown—to the Committee on Military Affairs.

By Mr. MILLER: A bill (H. R. 14505) granting an increase of pension to David Love—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 14506) for the relief of W. M. Brevard & Co.—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 14507) for the relief of R. H. Carter—to the Committee on War Claims.

By Mr. LANDIS: A bill (H. R. 14508) granting a pension to Sarah Cottingham—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELLAMY: Resolutions of the National Business League of Chicago, for the establishment of a Department of Commerce and Labor—to the Committee on Interstate and Foreign Commerce.

By Mr. BOWERSOCK: Resolutions of the National Business League of Chicago, Ill., in favor of the establishment of a Department of Commerce and Industries—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKETT: Resolutions of National Association of Manufacturers, Philadelphia, Pa., in relation to the ship-subsidy bills—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of National Business League of Chicago, Ill., favoring the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDERHEAD: Resolutions of the National Business League, Chicago, Ill., favoring the creation of a department of commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. CONRY: Resolutions of the common council of Boston, Mass., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS: Resolutions of Journeymen Barbers' Union No. 25, of Topeka, Kans., favoring the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Resolutions of National Association of Manufacturers of Philadelphia, Pa., in relation to ship subsidies, isthmian canal, reciprocity, and other bills pending in Congress—to the Committee on Interstate and Foreign Commerce.

Also, petition of P. J. Foley and other citizens of Brooklyn, N. Y., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. GIBSON: Paper to accompany House bill to amend the military record of John V. Mays—to the Committee on Military Affairs.

Also, paper to accompany House bill granting a pension to Mary A. McMillan—to the Committee on Invalid Pensions.

Also, resolutions of United Mine Workers' Union No. 399, of Jellico, and Building Trades Council of Knoxville, Tenn., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Mr. GREENE of Massachusetts: Resolutions of board of aldermen of Somerville, Mass., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. JOY: Resolutions of the Southwest Turner Society, advocating the adoption of a resolution of sympathy for the Boers—to the Committee on Foreign Affairs.

Also, paper to accompany House bill 18451, to correct the military record of John Brown—to the Committee on Military Affairs.

By Mr. KEHOE: Petition of sundry citizens of Augusta, Ky., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. KERN: Petitions of Reichert Milling Company, Ranch Milling Company, Minden Milling Company, and New Athens Milling Company, in the State of Illinois, favoring the passage of the Foraker-Corliss safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Southern Illinois Liquor Dealers' Association, of Belleville, Ill., favoring reduction of internal revenue on alcoholic liquors, etc.—to the Committee on Ways and Means.

By Mr. LACEY: Resolutions of Turn Verein Society, of Ottumwa, Iowa, advocating the adoption of a resolution of sympathy for the Boers—to the Committee on Foreign Affairs.

By Mr. LESSLER: Resolutions of the Crockery Board of Trade of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MAHONEY: Petitions of Holy Cross Society, No. 11, and Polish Metal Workers' Society No. 481, of Chicago, Ill., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of the National Business League, of Chicago, Ill., for the establishment of a department of commerce and labor—to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER: Papers in support of House bill granting a pension to David Love—to the Committee on Invalid Pensions.

By Mr. NAPHEN: Resolutions of the board of aldermen of Somerville, Mass., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

SENATE.

MONDAY, May 19, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

NAMING OF PRESIDING OFFICER.

Mr. PLATT of Connecticut called the Senate to order, and the Secretary read the following letter:

PRESIDENT PRO TEMPORE UNITED STATES SENATE, May 19.

To the Senate:

I name Mr. PLATT, Senator from the State of Connecticut, to perform the duties of the Chair during my absence.

WM. P. FRYE,
President pro tempore.

Mr. PLATT of Connecticut thereupon took the chair as Presiding Officer.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDING OFFICER. The Journal, without objection, will stand approved.

RELIEF OF CITIZENS OF THE FRENCH WEST INDIES.

The PRESIDING OFFICER. The Chair lays before the Senate a communication from the Secretary of State, transmitting a note from the French ambassador expressing the thanks of France for assistance rendered by the United States for the relief of the Martinique sufferers. The note from the French ambassador will be read.

The Secretary read as follows:

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC TO THE UNITED STATES,
Washington, May 14, 1902.

Mr. SECRETARY OF STATE: I have just received the following telegram from my Government:
"The President and the Government of the French Republic, deeply moved

by the sympathy evinced by the President, the Congress, and the nation of the United States toward the sufferers of the catastrophe in Martinique, charge you to be their interpreter in expressing the gratitude cherished by the entire French nation for their generous assistance, the remembrance of which will live forever."

It is my great honor, Mr. Secretary of State, that I should be called upon to tender to you the thanks of France for all that the United States are doing on this sorrowful occasion, and I should be infinitely obliged to you if you would convey this expression to all in the Government and Congress who have given evidence of such noble sentiments of humanity.

Be please to accept, etc.

JULES CAMBON.

Hon. JOHN HAY,
Secretary of State of the United States, Washington, D. C.

Mr. CULLOM. I move that the communication from the Secretary of State and the accompanying note be referred to the Committee on Foreign Relations, and that they be printed.

The motion was agreed to.

DELOS K. LONEWOLF.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Interior, transmitting a report from the Commissioner of Indian Affairs relative to the claim of Delos K. Loneywolf, a Kiowa Indian, for the value of certain improvements owned by him and situated upon the lands formerly occupied by him, but not included within the limits of the lands reserved by the Kiowa Agency, Okla., together with a draft of a bill for his relief; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

THOMAS E. STREETER.

The PRESIDING OFFICER laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Thomas E. Streeter v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEMENWAY, Mr. LITTAUER, and Mr. MCRAE managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 11062) to amend an act entitled "An act to make certain grants of land to the Territory of New Mexico," and for other purposes;

A bill (H. R. 13204) to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898; and

A bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. 1724) granting an increase of pension to Daniel F. Thompson;

A bill (H. R. 3238) granting an increase of pension to Lorenzo Weeks;

A bill (H. R. 4451) granting an increase of pension to George K. Thompson;

A bill (H. R. 5865) granting an increase of pension to John C. Campbell;

A bill (H. R. 6172) granting an increase of pension to Friedrich Weimar;

A bill (H. R. 7228) granting an increase of pension to Christian Christianson;

A bill (H. R. 7229) granting an increase of pension to Edwin M. Dunning;

A bill (H. R. 8341) granting a pension to Hannah C. Chase;

A bill (H. R. 10488) granting an increase of pension to Kate W. Milward;

A bill (H. R. 10821) granting an increase of pension to Abby T. Daniels;

A bill (H. R. 11133) granting an increase of pension to James D. Lafferty;

A bill (H. R. 11170) granting an increase of pension to William Kunselman;

A bill (H. R. 12054) granting a pension to Elizabeth A. Burrill;

A bill (H. R. 12978) granting an increase of pension to Charles F. Smith;

A bill (H. R. 13019) granting an increase of pension to Marietta Elizabeth Stanton;

A bill (H. R. 13036) granting an increase of pension to John B. Greenhalgh; and

A bill (H. R. 13371) granting an increase of pension to Charles D. Palmer.

PETITIONS AND MEMORIALS.

Mr. BLACKBURN presented petitions of sundry citizens of Henderson, Ky., praying for the adoption of certain amendments to the internal-revenue law relating to the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. CULLOM presented a memorial of sundry citizens of Paris, Ill., remonstrating against the enactment of legislation to transfer the assembling of agricultural statistics to the Weather Bureau; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Michael O'Brien and 42 other citizens of Peoria, Ill., and a petition of sundry citizens of Chicago, Ill., praying for the adoption of certain amendments to the internal-revenue laws relating to the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented a petition of Lodge No. 505, Brotherhood of Railroad Trainmen, of Fulton, Ill., and a petition of Lodge No. 111, Brotherhood of Locomotive Firemen, of Mattoon, Ill., praying for the passage of the so-called Grosvenor anti-injunction bill; which were ordered to lie on the table.

He also presented petitions of Lodge No. 188, Brotherhood of Locomotive Firemen, of Chicago; of Lodge No. 456, Brotherhood of Railroad Trainmen, of Chicago, and of Local Division No. 79, Order of Railway Conductors, of Peoria, all in the State of Illinois, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. TILLMAN presented petitions of Local Union No. 875, Carpenters and Joiners, of Mullins; of Local Union No. 876, Carpenters and Joiners, of Mullins; of Local Division No. 498, Brotherhood of Locomotive Engineers, of Abbeville; of the Carpenters and Joiners' Association of Ridgeway; of Palmetto Lodge, No. 312, Brotherhood of Railroad Trainmen, of Columbia, and of Carolina Lodge, No. 251, Brotherhood of Railroad Trainmen, of Charleston, all in the State of South Carolina, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. PERKINS presented petitions of Lodge No. 314, Brotherhood of Locomotive Firemen, of San Bernardino; of Local Division No. 55, Order of Railroad Telegraphers, of Oakland, and of Local Division No. 883, Brotherhood of Locomotive Engineers, of Needles, all in the State of California, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

He also presented petitions of Stablemen's Local Union No. 8760, of San Francisco; of Local Union No. 68, of San Francisco; of Stablemen's Local Union No. 9026, of San Jose; of Broom Makers' Local Union No. 58, of San Francisco; of Local Union No. 188, of San Francisco; of Local Union No. 228, of San Francisco, and of Leather Workers' Local Union No. 17, of Benicia, all of the American Federation of Labor, in the State of California, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. CLAPP presented a petition of C. D. Sherman Lodge, No. 433, Brotherhood of Locomotive Firemen, of Breckenridge, Minn., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of Flour City Division, No. 494, Brotherhood of Locomotive Engineers, of Minneapolis, Minn., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. HOAR presented a petition of the board of aldermen of

Somerville, Mass., praying for the enactment of legislation increasing the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Boston Marine Society, of Boston, Mass., praying for the enactment of legislation to prohibit the present dangerous custom of barge towing; which was referred to the Committee on Commerce.

He also presented a petition of the Boston Marine Society, of Boston, Mass., praying for the enactment of legislation granting pensions to employees of the Life-Saving Service, etc.; which was referred to the Committee on Pensions.

Mr. PRITCHARD presented a petition of Swannanoa Division, No. 267, Brotherhood of Locomotive Engineers, of Asheville, N. C., praying for the passage of the so-called Hoar bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. NELSON presented the affidavit of Allen B. Evans, of Lake Benton, Minn., in support of the bill (S. 5854) granting an increase of pension to Allen B. Evans; which was referred to the Committee on Pensions.

Mr. COCKRELL presented a resolution adopted at a meeting of the Southwest Turnverein, of St. Louis, Mo., expressing sympathy with the people of the South African Republic and the Orange Free State; which was referred to the Committee on Foreign Relations.

He also presented the petition of R. B. Gillette, secretary and treasurer of the Marionville Roller Mill Company, of Marionville, Mo., relative to the so-called London landing clause, relating to bills of lading; which was ordered to lie on the table.

Mr. FAIRBANKS presented a petition of Harrow Post, No. 491, Department of Indiana, Grand Army of the Republic, of Mount Vernon, Ind., praying for the passage of a per diem service pension bill; which was referred to the Committee on Pensions.

He also presented petitions of J. M. Lloyd, of Salem; of the Woman's Christian Temperance Union of Fairmount, and of the National Woman's Christian Temperance Union of Evanston, all in the State of Indiana, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations; which were referred to the Committee on Immigration.

He also presented a petition of the Trades Council of Anderson, Ind., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a resolution adopted at a meeting of the South Bend Turn Verein, of South Bend, Ind., expressing sympathy for the people of the South African Republic and the Orange Free State; which was referred to the Committee on Foreign Relations.

He also presented petitions of Local Division No. 103, Order of Railway Conductors, of Indianapolis; of Local Division No. 339, Order of Railway Conductors, of Washington, and of Local Division No. 11, Brotherhood of Locomotive Engineers, of Indianapolis, all in the State of Indiana, praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions," in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. FAIRBANKS. I present a petition of the McKinley National Memorial Association relative to the erection in the District of Columbia of a national monumental memorial to William McKinley, late President of the United States. I ask that the petition be printed in the RECORD and referred to the Committee on the Library.

There being no objection, the petition was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

To the Senate and House of Representatives of the United States:

The undersigned respectfully represent to Congress that there is a general desire throughout the United States that a national monumental memorial of William McKinley, late President of the United States, should be erected in the District of Columbia. The character of President McKinley, his public services, his tragic death, require, it is believed, this recognition. It was at first proposed that the money necessary for the erection of such a memorial in honor of President McKinley in the national capital should be raised by popular subscription, and the William McKinley National Memorial Arch Association was organized for that purpose. But upon the urgent representation of the McKinley National Memorial Association, formed to secure the erection by popular subscription of a monument at the grave of the late President at Canton, Ohio, that the prosecution of both appeals to the people would defeat both, and that the Canton monument should have the first consideration, the William McKinley National Memorial Arch Association withdrew from the field of popular subscription. The only way under the circumstances in which the general desire for a suitable memorial of President McKinley at the capital can be gratified is by the action of Congress. Your petitioners therefore respectfully pray for the passage of the bill introduced in the Senate by Hon. James McMillan, Senator from Michigan (Senate bill No. 2202), and in the House by the Hon. James T. McCreary, Representative

from Minnesota (House bill 8753), which provides for a commission to select a site and secure plans for a memorial arch in honor of William McKinley, late President of the United States, to be erected in the District of Columbia. THE MCKINLEY NATIONAL MEMORIAL ASSOCIATION, WILLIAM R. DAY, President.

Attest:

FREDERICK S. HARTZELL,
Assistant Secretary.

REPORTS OF COMMITTEES.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12428) granting an increase of pension to Elizabeth G. Getty;

A bill (H. R. 2286) granting an increase of pension to Mary Etna Poole;

A bill (H. R. 7560) granting an increase of pension to George W. Butler;

A bill (H. R. 11288) granting an increase of pension to William E. Ball;

A bill (H. R. 9794) granting a pension to Zebulon A. Shipman;

A bill (H. R. 6718) granting an increase of pension to Andrew R. Jones;

A bill (H. R. 5551) granting an increase of pension to Charles Edward Price Lance, alias Edward Price; and

A bill (H. R. 2289) granting an increase of pension to Pitsar Ingram.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2623) granting an increase of pension to John Smith;

A bill (H. R. 5248) granting a pension to Frances A. Tillotson;

A bill (H. R. 11124) granting an increase of pension to Mary Scott; and

A bill (H. R. 13614) granting an increase of pension to William H. White.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (S. 7) granting an increase of pension to William H. Thomas;

A bill (S. 5648) granting an increase of pension to Frederick Bulkey; and

A bill (S. 1132) granting a pension to R. Sherman Langworthy.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2051) granting an increase of pension to H. W. Tryon, reported it with amendments, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 2671) for the relief of Russell Savage, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4542) granting a pension to Eliza J. West;

A bill (H. R. 13037) granting an increase of pension to Francis W. Anderson; and

A bill (H. R. 12983) granting an increase of pension to Eleanor Emerson.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 7319) granting an increase of pension to Frances H. Anthony, reported it with an amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2265) granting an increase of pension to William Kelley; and

A bill (S. 4190) granting a pension to Fredrea Seymore.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 5263) granting a pension to Fannie Frost, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9833) granting an increase of pension to Margaret McCuen;

A bill (H. R. 12779) granting an increase of pension to George Chamberlin;

A bill (H. R. 8487) granting an increase of pension to John M. Crist; and

A bill (H. R. 12423) granting an increase of pension to David Topper.

Mr. TALIAFERRO, from the Committee on Pensions, to whom

was referred the bill (S. 5856) granting an increase of pension to Elizabeth A. Turner; reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5741) granting a pension to Mrs. William H. Kendrick; and

A bill (S. 5748) granting an increase of pension to Thomas D. Utler.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11812) granting an increase of pension to Martin Boice;

A bill (H. R. 2606) granting an increase of pension to Albert H. Steffenhofer;

A bill (H. R. 8924) granting an increase of pension to George W. Mathews; and

A bill (H. R. 11495) granting a pension to Mary A. Bailey.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with amendments, and submitted reports thereon:

A bill (S. 484) granting an increase of pension to Fletcher J. Walker; and

A bill (S. 5500) granting an increase of pension to Angus Cameron.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4718) granting an increase of pension to Sarah A. Whitcomb; and

A bill (S. 1981) granting a pension to Thomas Hannah.

Mr. HEITFELD, from the Committee on Territories, to whom was referred the bill (H. R. 12797) to ratify act No. 65 of the twenty-first Arizona legislature, reported it without amendment; and submitted a report thereon.

BILLS INTRODUCED.

Mr. HEITFELD introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5877) granting a pension to Laurilla C. Marshall; and

A bill (S. 5878) granting an increase of pension to David Bowie.

Mr. PLATT of New York introduced a bill (S. 5879) to remove the charge of desertion from the Army record of Eli Hibbard; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLATT of Connecticut (for Mr. HAWLEY) introduced a bill (S. 5880) granting a pension to Emma E. Taylor; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BARD (by request) introduced a bill (S. 5881) to grant American registry to the steamship Arab; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BURNHAM introduced a bill (S. 5882) granting an increase of pension to Merzellah Merrill; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PRITCHARD introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (by request) (S. 5883) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine certain claims for compensation for carrying the mails and pay for the discontinuance of postal service; and

A bill (S. 5884) for the relief of the legal representatives of Lemuel Dixon, deceased (with accompanying papers).

Mr. PRITCHARD introduced the following bills, which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5885) granting a pension to Thomas Greene;

A bill (S. 5886) granting a pension to John Hughes; and

A bill (S. 5887) granting a pension to Timothy Edwards.

Mr. WARREN introduced a bill (S. 5888) granting an increase of pension to Benjamin H. Smalley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 5889) granting a pension to Beriah G. Skiff; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 5890) to provide for the construction of the Patent-Office of the United States, including a hall of inventions, and for other purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HALE introduced a bill (S. 5891) to authorize the President to appoint Brig. Gen. H. C. Merriam to the grade of major-general in the United States Army on the retired list; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5892) granting a pension to Sarah E. Kimball (with an accompanying paper);

A bill (S. 5893) granting an increase of pension to Willie Thomas (with an accompanying paper); and

A bill (S. 5894) granting an increase of pension to John Cusick.

Mr. DEPEW introduced a bill (S. 5895) to provide United States registry for the steamer Success; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. COCKRELL introduced a bill (S. 5896) for the relief of Annie T. Jones, widow of Jonathan L. Jones, deceased; which was read twice by its title and referred to the Committee on Claims.

Mr. ALLISON. By request I introduce a bill regulating the assessment and collection of personal taxes in the District of Columbia.

The bill has been prepared, I understand, by four eminent citizens of this District. The subject-matter is now pending in the Committee on Appropriations by reference of an amendment from the Committee on the District of Columbia, but at the request of these gentlemen I introduce the bill and ask its reference to the Committee on the District of Columbia. I have not myself examined the bill, but I shall be glad to have it first examined by the Committee on the District of Columbia, so that the Committee on Appropriations may have the benefit of their views.

The bill (S. 5897) to regulate the assessment and collection of personal taxes in the District of Columbia was read twice by its title, and referred to the Committee on the District of Columbia.

SPOKANE INDIAN RESERVATION LANDS.

Mr. STEWART. I introduce a joint resolution fixing a time when a provision of the Indian appropriation act recently passed shall take effect, postponing its operation until certain allotments are made. The Secretary of the Interior says it will embarrass his work if the joint resolution which he recommends is not passed. I ask that it be put on its passage and that his letter be printed in the RECORD as explanatory thereof.

The joint resolution (S. R. 101) fixing the time when a certain provision of the Indian appropriation act for the year ending June 30, 1903, shall take effect was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That that provision in the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes," which relates to the subjecting to entry under the mining laws of the United States certain lands in the Spokane Indian Reservation, in the State of Washington, shall take effect and be operative upon the completion of allotments in severalty to Indians on said reservation, and not before.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 17, 1902.
United States Senate.

The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,

SIR: In the enrolled bill (H. R. 11353) entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes," the following legislation appears: "That the mineral lands only in the Spokane Indian Reservation, in the State of Washington, shall be subject to entry under the laws of the United States in relation to the entry of mineral lands: *Provided*, That lands allotted to the Indians or used by the Government for any purpose or by any school shall not be subject to entry under this provision."

It is deemed very important that this legislation shall not take effect until after the completion of allotments in this reservation. The language of the provision seems to assume that the allotments to Indians have already been made. The assumption, if there be such, is erroneous. None of the lands in this reservation have been allotted, and that work has yet to be entered upon and completed. To admit miners and prospectors to the reservation, and to permit mining exploitations and operations to be carried on there indiscriminately, in advance of the allotments in severalty, and the segregation of the lands which are to be retained by the Indians from those which are to be disposed of under the public-land laws, will tend to seriously embarrass the Government on the reservation, to retard the work of allotment, and produce unfortunate relations between the Indians and the whites. The Indian agent on this reservation has telegraphed the Indian Office that in anticipation of the opening of the reservation to the mining laws miners and prospectors are entering thereon and congregating in such numbers that he is now unable to

maintain discipline and order with the force at his command. It is therefore considered important that a joint resolution postponing the opening of these lands under the mining laws until after the work of allotment has been completed (a draft of which resolution is herewith inclosed) should be passed without delay, in order that it may be approved by the President contemporaneously with his approval of the bill.

Very respectfully,

E. A. HITCHCOCK, *Secretary*.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. MARTIN submitted an amendment authorizing the Secretary of the Navy to cause to be commenced condemnation of land adjacent to the Norfolk Navy-Yard for the use of the United States for the navy-yard, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. WARREN. I should like to call up the communication from the House in reference to the conference report on the omnibus claims bill.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, May 16, 1902.

Resolved, That the House further insists upon its disagreement to the amendment of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, numbered 1, and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. MAHON, Mr. GIBSON, and Mr. SIMS be the managers of the conference on the part of the House with the following instructions: That the conferees be instructed not to agree to what is known as the Selfridge board findings in the Senate amendments.

Mr. WARREN. Waiving the question of instructions which the House has sent here, I move that the request of the House be granted and that a conference be appointed on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. WARREN, Mr. TELLER, and Mr. MASON were appointed.

MEDICAL OFFICERS IN THE ARMY.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 5213) providing for the selection and retirement of medical officers in the Army.

The Secretary read the bill, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to select one from such medical officers of the Army as have served forty-one years or more, nine years of which shall have been as Surgeon-General, and, by and with the advice and consent of the Senate, appoint him a major-general of the United States Army, for the purpose of placing him on the retired list.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ALLISON. Is it reported from the Committee on Military Affairs?

Mr. GALLINGER. It is a report from the Committee on Military Affairs; a unanimous report.

Mr. BATE. It is a report from the Committee on Military Affairs.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. HOAR. Mr. President, I give notice that next Thursday, May 22, at the conclusion of the routine morning business, I desire to address the Senate on the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

COMPILATION ON INDIAN AFFAIRS.

Mr. STEWART. I submit a resolution and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Indian Affairs is hereby authorized to have prepared for the use of the Senate a compilation of all treaties, laws, and Executive orders relating to Indian affairs.

Mr. BAILEY. Mr. President—

Mr. LODGE. It should go to the Committee on Printing.

Mr. BAILEY. I desire to ask the Senator from Nevada if the compilation would not require more than one volume?

Mr. STEWART. No; I think not.

Mr. BAILEY. I was going to suggest that if it should require more than one volume it would be well to put the treaties, etc., relating to the Five Civilized Tribes in one part, and those relating to other tribes in the other.

Mr. STEWART. The committee will take that into consideration.

Mr. ALLISON. It seems to me that the compilation may require several volumes, if we are to gather together all the treaties, etc., which have been made.

Mr. STEWART. The committee will regulate that matter. We intend only to have what is necessary. We are going to proceed with it in due form.

Mr. ALLISON. I should like to have the resolution again read.

Mr. STEWART. It can be limited in its language, if the Senator desires.

Mr. GALLINGER. Ought it not to go to the Committee on Printing?

The Secretary again read the resolution.

Mr. ALLISON. I suggest to the Senator from Nevada that a great number of Executive orders, treaties, etc., are obsolete.

Mr. STEWART. Oh, yes.

Mr. ALLISON. But the resolution seems to embrace everything.

Mr. STEWART. We do not want to include those which are obsolete.

Mr. ALLISON. I would say "those now in force."

Mr. STEWART. I accept that amendment.

Mr. COCKRELL. Ought it not to embrace contracts enacted into law and not called treaties? At a certain time we ceased to make treaties and made only contracts.

Mr. STEWART. The resolution will cover the contracts. They have been enacted into law.

Mr. COCKRELL. They are not treaties?

Mr. STEWART. They are not treaties, but they are laws.

Mr. BAILEY. It says "treaties, laws, and Executive orders."

Mr. STEWART. Laws and treaties. The contracts are laws if they have been enacted.

Mr. COCKRELL. Does the resolution include them?

Mr. STEWART. Yes.

Mr. ALLISON. I move to insert "now in force."

The PRESIDING OFFICER. The Senator from Iowa suggests an amendment, which will be stated.

The SECRETARY. After the words "Executive orders" insert "now in force;" so as to read:

Of all treaties, laws, and Executive orders now in force relating to Indian affairs.

Mr. STEWART. I accept the amendment.

The PRESIDING OFFICER. The amendment is accepted by the Senator from Nevada.

Mr. COCKRELL. Let the whole resolution be read.

The PRESIDING OFFICER. The resolution as amended will be read.

The Secretary read as follows:

Resolved, That the Committee on Indian Affairs is hereby authorized to prepare for the use of the Senate a compilation of all treaties, laws, and Executive orders now in force relating to Indian affairs.

Mr. HALE. I move to add the following words:

But no extra expense shall be allowed for any work covered by this resolution.

Mr. STEWART. Then we can not get it done.

Mr. HALE. Let the resolution go over.

Mr. STEWART. Let it go over. It will be impossible to do the work with such an amendment. Some extra expense must necessarily be incurred.

The PRESIDING OFFICER. Will the Senator from Maine state his amendment once more?

Mr. LODGE. He has asked that the resolution shall go over.

The PRESIDING OFFICER. The Senator from Maine proposes an amendment, which will be stated.

The SECRETARY. Add at the end of the resolution:

But no extra expense shall be allowed for any work covered by this resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LODGE. It is to go over.

Mr. STEWART. Let it all go over.

Mr. HALE. Let the resolution and amendment go over.

Mr. STEWART. It will all go over, and we will consult about the matter.

The PRESIDING OFFICER. The resolution will go over under the rule.

FORTIFICATIONS APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PERKINS. I move that the Senate insist on its amendments disagreed to by the House of Representatives and accede to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint conferees on the part of the Senate; and Mr. PERKINS, Mr. WARREN, and Mr. TILLMAN were appointed.

HOUSE BILLS REFERRED.

The bill (H. R. 11062) to amend an act entitled "An act to make certain grants of land to the Territory of New Mexico, and for other purposes," was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 13204) to provide for refunding taxes paid upon legacies and bequests for use of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the Government of Porto Rico, was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 16th instant approved and signed the joint resolution (S. R. 74) relating to publications of the Geological Survey.

The message also announced that the President of the United States had on the 17th instant approved and signed the following acts:

- An act (S. 182) granting a pension to Mary F. Zollinger;
- An act (S. 500) granting a pension to Samuel S. Beaver;
- An act (S. 2336) granting a pension to Rebecca Coppinger;
- An act (S. 2755) granting a pension to Ruth H. Ferguson;
- An act (S. 3279) granting a pension to John Coolen;
- An act (S. 3331) granting a pension to Ada V. Park;
- An act (S. 288) granting an increase of pension to De Witt C. Bennett;
- An act (S. 1593) granting an increase of pension to Eben C. Winslow;
- An act (S. 2036) granting an increase of pension to Etta Adair Anderson;
- An act (S. 2347) granting an increase of pension to Alfred M. Wheeler;
- An act (S. 2461) granting an increase of pension to George McDowell;
- An act (S. 3999) granting an increase of pension to Emma S. Hanna;
- An act (S. 4004) granting an increase of pension to Thomas L. Nelson;
- An act (S. 4238) granting an increase of pension to Philo F. Englesby;
- An act (S. 4256) granting an increase of pension to Henry W. Edens;
- An act (S. 4293) granting an increase of pension to Elizabeth C. Vincent;
- An act (S. 4455) granting an increase of pension to Hallowell Goddard;
- An act (S. 4506) granting an increase of pension to Ann E. Collier;
- An act (S. 4865) granting an increase of pension to Joseph D. Hazzard;
- An act (S. 4979) granting an increase of pension to Paul Fuchs;
- An act (S. 5294) granting an increase of pension to William F. Horn; and
- An act (S. 5337) granting an increase of pension to Marietta L. Adams.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. I move that the Senate proceed to the consideration of Senate bill 2295.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. DOLLIVER. Mr. President, if there was anybody else who desired to take the floor on the pending measure I confess such a reluctance and timidity about it that I would very gladly yield him the floor.

For the second time during this session of Congress the Senate is occupied with questions growing out of the American occupation of the Philippine Islands. The first debate arose upon the bill fixing, for the time being, their commercial relations with us. It ran along, sometimes peacefully and sometimes tumultuously, for the space of more than a month, although in all that time the interesting little tariff bill which was the nominal subject of the

discussion escaped in the noise with barely the poor consideration of a passing comment.

It was thought that when the more serious questions connected with the government of the islands were taken up the discussion would assume a more rational tone, and at least bring the Senate to a sober comparison of opinions as to that measure, unquestionably the most important constructive work which we have had to do since the civil war.

I can not forbear to express my disappointment that instead of being permitted to hear helpful and considerate criticism of the bill proposed by the majority of the committee, we have been caught in a thunderstorm of oratory which has overflowed the Senate Chamber and deluged the CONGRESSIONAL RECORD without even laying the dust on the subject which for so long a time has occupied the attention of the Committee on Philippine Affairs.

And while the Senator from Washington [Mr. TURNER] the other day made a rather impressive request for more light, a request which in his case, it must be confessed, seemed reasonable enough at the time, our friends on the other side will not misunderstand our motives, if those of us who have been looking for light on the question before the Senate accept their studied avoidance of the matter in hand as a sufficient testimonial of the patience and wisdom of those who have united in making the majority report, and even at the risk of following an evil example take up the partisan challenge which they have thrown down in their annual parade of the love of liberty and humanity which has so notoriously lifted the Democratic party above the base and common level of their fellow-men.

It is one of the infirmities of popular government that no important national project is exempt from such dissensions, though I am free to say that it is hard to find in the history of our own country a case where such an undertaking as has grown out of our intervention in behalf of the colonies of Spain has been required to defend itself against such a bewildering variety of political clamors as have filled the Capitol during the last three years.

Yet it is not necessary to judge the new leadership of the Democratic party harshly, because it is only fair to recognize the embarrassments of their situation. The rapidity with which even good things become obsolete in this world is in itself a sufficient explanation of the passionate zeal with which they hold on to the fast-disappearing differences which grew out of the war with Spain. So that if this debate has any significance at all it means that they intend to make the Philippine question an exception to their invariable custom of leaving all genuinely paramount issues to dig their way out of the debris of Presidential elections without any further assistance from their old friends.

There is, at least, a certain plausibility in the opinion which has been expressed here that the returns of 1900 were not an adequate test of the value of our Philippine troubles as a political asset, for may it not be possible that the party was handicapped in that election by the nomination of a candidate who was in a distant way connected with the Santiago campaign, and even more intimately with the ratification of the treaty of peace, out of which our obligations to Spain, to the people of the Philippine Islands, and to the world at large, arose?

It may be that the Democratic party is looking forward with the hope of keeping that issue alive in the expectation of an opening to present it without any such encumbrance. If they are, it will at least be some consolation to the hero of the first battle to remember that even before the war with Spain had been ended by the treaty, in the seclusion of his tent in Florida, he had thought out in detail a plan of operations which promised some time, whether in his own day or not, to admit the Democratic party at least to standing room in the political arena.

His counsel to his disciples was at once simple and sublime in its conception. First, ratify the treaty, and then make your political living by an open-order fusillade on the Government of the United States in its effort to do the work thereby imposed upon it. It required no supernatural forecast of events to know that when once the treaty took effect a hundred obligations fell immediately upon us, in the midst of which and even in the prospect of which it would be easy for cunning agitators to take advantage of the afflictions involved in standing up to the business which the nation of America had assumed.

And, in fact, all these fond anticipations have been realized; the losses have been grievous; the burdens have sometimes seemed too heavy to be borne; the difficulties in the way have more than once baffled our poor wisdom. Some who entered heartily in the work at the beginning, like the distinguished Senators from Colorado, have fallen by the way, while the other day in New York the weather-beaten anti-imperialist league, blown together like an eddy of dead leaves by the atmospheric disturbances here, held a belated session in order to appoint a new committee and to receive into their fellowship the author of the report of the first

Philippine Commission, who seems to have overheard enough on the cars since he came home to overrule and controvert all the opinions which he formed while he was there.

The people of the United States have patiently gone about their tremendous task, hardly taking time to notice what the Democratic politicians have been at, until now, as the election of a new Congress approaches, we find the minority of the Philippine Committee trying to lead their party into the most reckless and extravagant indictment of the Government of the United States, both in its civil and its military administration.

I am not here to utter any protest against the exercise everywhere of the right of free public discussion of every phase of our Philippine affairs, though it can not be doubted that the spirit and temper of the opponents of the Government in its effort to manage the business which it has undertaken to do have in more than one stage of our proceedings multiplied the difficulties we have encountered and added to the cares and hardships of our labors. On that account, if for no other, I have deplored, not only the course of this debate, but the general tendency of the wholesale attack which began almost as soon as the war with Spain was over.

If the influence of this pernicious scheme of accusation and calumny had been confined to the politics of our own country no Republican, I am sure, could be found to ask on partisan grounds for a cessation of hostilities; for no one interested in the welfare of the Republican party has ever had any doubt that the opposition, already in a low state of vitality from other causes, has been still further debilitated by the ungenerous, I will not say unpatriotic, attitude of its leaders toward the Government of the United States as it has faithfully tried to work out a solution of the troublesome questions with which it has been face to face. There has never been a time in American history when a political party has not forfeited the respect of the whole people by pursuing a programme of narrow malevolence against an Administration manfully trying to bear the burdens of its day and generation.

In such a case the better qualities of human nature are enlisted on the side of the national prestige, and the fury of partisan eloquence will always be wasted in an effort to bring confusion to the public councils and failure to the national purpose. A political party needs only to persist in such a course to be finally reduced to a pitiful and grotesque minority, made up mainly of depolarized philanthropists and common scolds.

I am not therefore alarmed about the effect on popular opinion of the ignoble strategy with which the leaders of the Democratic party for four years have tried to waylay the Government of the United States in the Philippine Islands. And I have felt constrained to participate in this debate for altogether another reason.

I wish to inquire, if such an inquiry can be prosecuted through the howling wilderness of this controversy, into the differences, if there are any differences, between the method by which the Government has handled the Philippine problem and the methods suggested by those who look with dissatisfaction upon what has been done. It is fortunate that the main facts which are at the bottom of the question are public occurrences which have become historical and for that reason out of the dispute.

Many years ago I saw a book advertised, written by a celebrated Boston divine, entitled "Certitudes in Religion." I thought it would be a good book to have in the midst of the mysteries of this world, and so I bought a copy of it. But on carefully perusing it I found the field of certainty cut down to two general propositions; first, that we are here, and, second, that we are going hence. Everything else, according to this Boston authority, is the subject of polemical disquisition more or less nebulous and obscure.

Are there any "certitudes" in the Philippine situation? I venture with all humility to say that there is at least one. We are there, even though everything else is open to debate.

Some say that we are there to stay in the exercise of the sovereign rights which we have lawfully acquired; others say that we ought to abandon our position, order our troops to their transports, and depart from those waters without leaving our post-office address; others again, and these appear to be bunched on the minority side of the Philippine Committee, say that we ought to renounce our own authority, call in the nations of Europe to help us let go, and having done that, linger near for the purpose of keeping the native government on its feet.

The last two theories are in reality one. Stated in the words of the distinguished Senator from Mississippi [Mr. MONEY] in reply to an amiable interrogatory propounded by the senior Senator from Maine [Mr. HALE], it was condensed into one sentence, a sentence so abrupt in its outburst of candor as to require a slight revision of the RECORD: "Let them go to the devil!" The bill brought here by the minority of the Philippine Committee, freely translated in the light of well-known facts, means the same thing—let them go to the devil, with a protectorate.

I venture the assertion that in all these theories of our duty the only one that is absolutely indefensible is the proposition made

by the minority report, which requires us, first, to disown our right to be there at all, and then, having yoked ourselves up with Great Britain, Germany, and France, to enter upon an undefined and unlimited responsibility for everything that afterwards happens.

That such an elaborate restatement of the absurdities of the Kansas City platform should find favor in the eyes of anybody interested in the good government of the archipelago requires a new definition of human credulity. It may be possible to have two parties in the United States, one asking the people to bear with patience the labors of training the Philippine races to the stature of self-government, and another pointing to the sacrifices and discouragements of such an undertaking, and asking them to wash their hands of any further connection with it; and possibly still another, select and in every way respectable, captivated by day dreams of an imaginary Philippine republic, already but for us, exercising its mild sway over a population in many ways superior to the villages of Massachusetts at the time when John Hancock passed through them on his way to the Philadelphia Congress.

But this proposition, picked up out of the wreck of the Kansas City platform and brought into the Senate by the new Democracy of the Philippine Committee, asking us to deny the validity of our own credentials, to cashier the officers who have borne our authority, to enter into a ridiculous European partnership for the transaction of a business now strictly in our own hands, to send an apology to the brigands in all the mountain fastnesses of the islands for the temporary inconvenience we may have caused them, begging only the poor privilege of hanging around the neighborhood to superintend the anarchy we have invited, until at last we are ordered off, either by a foreign fleet or a Filipino mob; where in the United States is there room for a bedlamism like that?

I have read with great care the substitute for the committee bill reported by the minority, and I desire to acknowledge my sense of indebtedness to its authors for the confirmation I have found in it, of the faith in which our present Philippine policy has been pursued. Able speeches have been made on the other side, the ablest in recent history of the Senate, but it will require more ability than has been yet exhibited in this debate to make the speeches which we have heard square with the propositions of this substitute measure.

The substance of all that has been said is that we have and can have no material or commercial interest now or hereafter worth speaking about in that quarter; that the native population and their children after them, on account of the crimes and failures of our administration, are saturated with prejudice and hostility against us, and that the work which we have taken in hand is a visionary and impossible thing—on a par with the foolishness of feeding hay to carnivorous beasts, I think the Senator from Tennessee [Mr. CARMACK] remarked. I submit to the judgment of all if that is not a fair statement of the Democratic argument.

But if that contention is true, why should the minority of the Philippine Committee in shaping a legal expression of our present duty try to bind upon us by an act of Congress the body of this death? If we have no interest there, if everybody there hates us, if our labors there have been a failure, why should we delay our departure until we have tied ourselves up in a job lot of foreign alliances in respect to the future of this land of tragedy and sorrow?

Why should we stop to outline a provisional scheme of Philippine government? Why should we further prosecute a war for the purpose of producing a peace in which we are to have no part? If that contention be true, why should we care what becomes of the islands? What need will the United States have for naval, military, and commercial stations throughout these islands? Are we ever likely to have any stake in that quarter of the globe equal in tangible commercial significance to the interests we are asked to throw away?

The fact that after mature deliberation the minority of the committee bring in a measure containing several pages of printed matter, instead of a simple, plain, and straightforward recognition of the independence of the people inhabiting the Philippine Islands, and a direction to the President to forthwith recall our official representatives and withdraw our land and naval forces, is in itself an influential witness for the course which the Government of the United States, in pursuance of the provisions of the treaty of peace, has been constrained to follow.

While the solemn instrument negotiated at Paris defined our relations with the Pacific dependencies of Spain, it did not create them. They date back to that historic morning of the 1st of May when the commodore of our Asiatic fleet transferred his flag station from Hongkong to Manila Bay.

It is a willful aspersion of the motives of the Government of the United States for any man to say that what was done there, either before breakfast or afterwards, was corrupted by a purpose to

subvert any rights of the Philippine population, and if Admiral Dewey, as I have heard Senators on this floor claim, armed an insurrectionary force grouped around certain tribal chieftains, it surely can not be said that this action made it incumbent on the United States to turn over all the inhabitants of the islands, including all the foreign population of Manila, to the military dictatorship of a single man. Such a policy clearly would have subjected the whole community to an intolerable imposition, inviting universal chaos, in the midst of which every nation in Europe would have intervened for the security of their own citizens.

Much has been said intended to leave the impression that we entered the Philippine Islands with a lie on our tongues and treachery in our hearts, for the purpose of despoiling the land of its resources and the inhabitants of their liberties. It is discreditable to fill the air with such a clamor, unless somebody comes forward to identify and drag to light of day the authors of so gross an offense against mankind. The historian of these times, the student who deals with the unalterable facts of this case, will have no difficulty to find the monster who conceived and put into execution this atrocious conspiracy against the helpless people of these islands.

The policy which has been pursued has been assailed here with a rancor almost hysterical in its impotent rage. Senators have spoken by the day with words of incredible vehemence; epithet has followed epithet; accusation has been piled on accusation, as if the history of nations could be turned aside by a preconcerted series of gasoline explosions.

Gentlemen seem to forget that governments can not move amid surroundings of such difficulty in paths of their own choosing. There may be no such thing as Divine Providence, though our fathers reverently believed that there is; there may be no such thing as destiny, though I am told the word is to be found in the files of Colorado newspapers, but nobody can doubt that forces are at work in this world altogether too large to be managed from a political headquarters; that there is a course of human events not to be combatted, except at the most embarrassing disadvantages.

It is no depreciation of President McKinley to say that he looked upon the approaching conflict with Spain with fear and anxiety. He had devoted his whole life to the industrial and commercial questions which concern the investments of American capital and the wages of American labor. He had given no attention to our foreign affairs apart from the movements of commerce, and was the last man among his countrymen to give up the hope of peace.

He knew something, through the recollections of his boyhood, of the horrors of war, and better than any of his contemporaries he was able to look through the smoke of battle and beyond the noise of victory and to see distinctly, long before they came in sight of others, the perils involved in our disturbance of the peace of the world. He perceived at the time the fatal word was spoken by the joint resolution of Congress that our victory over Spain carried with it not only the enlargement of our boundaries, but such an addition to our responsibilities as to dishearten even the most adventurous mind. Some said he was weak, others that he was timid, others that he was a creature of the commercial spirit, which is always conservative and does not like to risk any interference with business conditions.

Senators are sitting before me who saw much of him during those days and nights of sleepless solicitude. He did not fear the military power of Spain. He never doubted that our operations on land and sea would make short work of her armies and her fleets.

It was not the fear of defeat that appalled him. It was the moral certainty that the triumph over Spain in her colonial strongholds had in it a portentous national liability, possibly beyond our strength, and at the very moment when his partisan opponents, in the words of the most eloquent Democratic leader in the House of Representatives, were "dragging the Republican party into the war with Spain" the overburdened Chief Magistrate of the people, with a troubled heart, was pondering the very questions which to-day engage the attention of both Houses of Congress.

I have listened with such patience as I could to the tirade of stale and calumnious insinuations which for weeks has filled this Chamber, intended to discredit the purposes and to impeach the motives of the Government of the United States in its dealings with the territory brought under our jurisdiction by the treaty of Paris. Most of the men under whose guidance these things were done, in the Senate, in the House of Representatives, in the Cabinet, in the memorable sessions of the Peace Commissioners at Paris, still live. They can answer for themselves, and I doubt not make their way through this eruption of malice and prejudice without either inconvenience or harm.

But one among them, more masterful than any other in the influence of his persuasive leadership, can no longer speak for himself. He fell in the midst of his labors at the post of his duty, in the maturity of his fame, after he had seen the work which he

had wrought lifted into the light of universal history and his name enrolled among the founders of states and the lawgivers of the world's progress.

In every step of the proceedings where the opportunity to choose our course was given he exercised the part of a practical wisdom which has never been successfully disparaged. He could either have ordered Admiral Dewey, after the victory at Manila, to assemble his ships and depart from those waters, or to stay there and administer the situation his guns had created—to take care of the wreck which had been cast up by the sea. The first order would have been easy, and if it had been issued we would to-day have no Philippine problem and no paramount issue to become the football of our politics.

The President did not issue the order to retreat. Possibly he did not think of it, and there was no American, big or little, not even the micro-organisms of our politics, who did think of it till far after it was too late. Yet if we ever were to run away from the Philippine Islands that was the chance, that was the accepted time, that was the day of our cheap little salvation from the annoyances which have pestered us from that day to this.

William McKinley ordered him to stay at his post, and at once prepared the transports which carried the first detachment of our army of occupation to cooperate with his fleet. The alternative was presented to us either to go or to stay, and if there is a living American who denies that in remaining there we chose the part of courage and patriotism such a man has not comprehended even the rudiments of our national character. If we had run away, within four weeks the nations of Europe, all of them having important commercial interests there, would have been compelled to restore order out of the chaos which we had brought about.

In fact, we had a hard time to keep them from helping us preserve order even while Dewey was there, and when the record of that faithful servant of the Republic is made up the discriminating biographer will award to him as much credit for the prudence and sagacity of his administration during his long wait for the army transports as for the scientific skill with which his gunners wound up the affairs of the Spanish navy in the Pacific.

If he made any mistake at all, it was in miscalculating the value of the help offered him by the leaders of native insurrectionary troops. I have heard his relations with these leaders discussed from every point of view. I have heard the letters of our consuls in those latitudes quoted, some claiming that things were said and done there which created an alliance between us and the native forces; but to my mind there is very little sense in such a controversy, for it did not need the prompt and sharp rebuke of the President to make it clear that neither the Admiral nor the consuls were clothed with the authority to lay upon the Government of the United States any obligations to sacrifice the whole Philippine people, not to speak of the foreign residents and Spanish subjects, to the ambitions or, if you please to call them, the aspirations of a few native adventurers.

It is clear that whatever civil institutions are at last established in the islands, if they include the whole archipelago or even the whole of the island of Luzon, they must be so ordered as to represent the aspirations of the entire community, and there has never been the slightest evidence of any general aspiration on the part of the Philippine people, outside of a single tribe, to subject themselves to the aspirations of an incompetent military dictatorship.

When the Peace Commission assembled at Paris, President McKinley had no immovable purpose in mind as to what ought to be done with the islands. He had been accustomed to speak in friendly consultation with his political associates of a commercial and naval headquarters at Manila somewhat on the lines of the British settlement at Hongkong—a sort of basis of supplies and operations in which our ships might find anchorage and from which the lines of our trade could be sent out through all the market places of the East.

Strangely enough, though he chose for the work of making the treaty men everywhere counted among the wisest and greatest of our statesmen—the honored President of the Senate [Mr. FRYE]; the lamented Cushman K. Davis, of Minnesota; Whitelaw Reid, the veteran American journalist; George Gray, then a Senator from the Commonwealth of Delaware, and last, but not least, William R. Day, that modest country lawyer, whose extraordinary career as Secretary of State, within less than a year's service, gave him a place among the famous diplomatists of his times—yet when it came to settling the momentous questions left undetermined by the protocol for peace the commissioners at Paris, unable to agree among themselves, turned for counsel to the President of the United States and left at last to his decision the whole question of the future of the Philippines.

He did not act in haste; he was slow to bring upon his countrymen the weight of such duties as were necessarily included in

the act of assuming the sovereignty which the Kingdom of Spain was no longer in a position to defend. What was done was so entirely free from the color of national greed and selfishness that his personal correspondence with the Peace Commissioners, conducted in the name of Secretary Hay, now a part of our public records, reveals the nobility of his character and the integrity of his motives more perfectly even than the more formal utterances of his official life.

He was not dazzled by the value of the prize we had captured; he did not seek to add to the humiliation of a prostrate enemy, and above all he understood the perplexities connected with administering or even overseeing the affairs of alien and backward races. What was it, then, that brought the President to the steadfast conviction that the summons of national duty called us to lay aside the ways of pleasantness, with which my friend from Tennessee [Mr. CARMACK] adorned his eloquent peroration the other day, and take up the rugged task in which we have been ever since engaged?

For while the united judgment of our commissioners ultimately reached the same conclusion, after all the decision was his, and it needed only one line over his signature to have left the Philippine Islands exactly where we found them. Because that is so it has been hard for me, as I have heard the words lunatics, scoundrels, fools, thieves, murderers, land grabbers, carpetbaggers, plunderers, flying around this Chamber from the lips of all sorts and condition of Democratic statesmen, to keep my recollection from going back to those eventful days when alone in the Executive Chamber, pacing to and fro in restless meditation, weighing the circumstances in the fear of God, William McKinley set the seal of his approval upon the resolution of the American people to hold the Philippine Islands in trust for their inhabitants and to lift up that scattered population by the genius of our institutions to the privileges and the dignity of a free Commonwealth.

Having thus located the authors of this wicked conspiracy against 10,000,000 of helpless and friendless people, I wish now to inquire in a general way into the progress and development of this plot against the liberties of the Philippine races. I wish to find out what has been undertaken and what measure of success has attended the enterprise.

The first problem with which the Administration had to deal was the insurrectionary movement which arose while the treaty of peace was under debate in the Senate, and continued under normal military conditions until the collapse of the Mololos government and the flight of its military leaders to the mountain districts of Luzon. It is not easy and I do not think it is important to discuss the reasons of that rebellion against the United States, which took shape and gathered force during that long and unprofitable discussion which preceded the ratification of the treaty of peace.

I have never doubted that that period of controversy and delay brought on the disasters which have since fallen upon that people, and while I am not disposed to embitter this discussion with vain recriminations, yet it is due to truth to acquit the Government of the United States in any stage of this proceeding of any design to wrong or oppress the Philippine people.

Our Navy went there to attack Spain, and our Army went there to support the fleet. It lay in the trenches around Manila with explicit orders from the President that under no condition should it turn its guns on the native population, but on the other hand its commanding officers were charged with the duty of communicating our benignant purposes and doing whatever was in their power to win the regard and good will of the irregular militia encamped outside of their lines.

The United States was fortunate in the men selected to manage its affairs there—Merritt, Otis, MacArthur, Chaffee—all of them soldiers famous and honorable in the national service, and the American people, in my judgment, do not intend to spend very much of their time in trying to degrade their names in order to exalt the motives of the political and military cabal with which they were called upon to deal.

If the treaty had been promptly acted upon the provisional American government could have been forthwith inaugurated, and within thirty days might have reached an amicable adjustment, which would have disarmed the opposition even of the most ambitious and headstrong among the native popular leaders.

But whether that could have been done or not, it is too late now to review the mistakes and misunderstandings and follies which, in the opinion of some, were unhappily connected with the earlier stages of our military administration. If it ever was feasible to try to build up a permanent Philippine government, with the revolutionary congress and cabinet as its foundation, the prospect of that, nay, even the possibility of that, vanished when our volunteers in the trenches around Manila were compelled to fight for their lives against the aggressions of a formidable native armed force.

It is idle to say that the collision which resulted in the slaughter and flight and final destruction of that army could have been avoided. It is certain, at any rate, that with such wisdom as we had the conflict was not avoided, and to spend our time on it now serves no good purpose of any sort.

For my own part, I am satisfied that an attempt to collect the elements of a permanent civil régime around the nucleus of the existing dictatorship would have fatally impeded every subsequent attempt to establish the social and political order of the islands. And while we have succeeded in attaching nearly every important personal influence which survived the downfall of the government at Mololos to our present administration, their usefulness to their own people according to their own frank admission would have been limited indeed, without the direction of our strong hand.

It was the judgment of President McKinley, a judgment which, I think, will be affirmed by history, that underneath the civil institutions of the islands the firm foundation of our national authority must first of all be laid, and he therefore made the surrender of armed resistance the unalterable condition of peace. Under his orders the rebellion was crushed and nothing left of it except scattered bands, ineffective for legitimate military purposes, hiding in the mountains wherever they could find a safe retreat.

Our Army not only overthrew the rebellion in the field, but it did a thing which the Spanish Government had never thought possible. It pursued the guerrilla operations of the enemy over impassable rivers, through impenetrable jungles, and across the summits of inaccessible mountains. And so completely was its work done that for more than a year, throughout the whole archipelago outside of three or four disturbed provinces, the Philippine insurrection as a military proposition has been a thing of the past.

But somebody says, "How can this be so when the newspapers even now are filled with reports of battles, captures, and other military outrages?" It has been apparently almost impossible for the American people to get into their minds a picture of these islands, and the Government could well afford to put a map of the archipelago, with distances and provinces properly described in every newspaper office and schoolhouse in the United States.

For incalculable mischief has arisen from our almost habitual failure to locate the field operations of our Army. If the hearings before the Philippine Committee have had no other result than to define and identify the present scene of our warlike activities, they have served at least one useful purpose. Let me illustrate what I mean.

General Bell, trying to capture insignificant bands of roving guerrillas in the provinces of Laguna and Batangas, issued orders requiring the friendly portion of the population, that portion that desired to cast in its lot with the Government of the United States, to reside within certain specified military limits, an order absolutely necessary for the success of his campaign, and executed without hardship and inhumanity of any kind—an order which has brought peace to the distracted provinces and prepared the way for the immediate establishment of civil government.

Yet half the newspapers in the United States took up the cry that we had adopted in the Philippine Islands the Weyerism of Spain, and a considerable portion, even of intelligent people, lost sight of the 28 provinces enjoying the benefits of stable government and began again to speak the language of despair of the Philippine situation.

Not long ago, following the Balangigi massacre in the island of Samar, General Chaffee, in sending forward punitive expeditions, gave out a general order, which found its way into American newspapers, commending our troops to special vigilance and impressing the comrades of the men who had been killed by treachery to guard against similar misfortunes by treating the whole population with suspicion and distrust. He supposed that he was speaking about the island of Samar and the two remaining hostile provinces of Luzon, as the area of rebellion had dwindled to that small compass. He had himself officially reported the peaceful and prosperous situation that prevailed in practically all the other provinces.

Yet within a week after the newspapers had contained his expression about the war rebels, which included nearly everybody in the disturbed provinces, from his point of view, we find Dr. Schurman, who joined with Admiral Dewey and Professor Worcester in helping the President lay the foundation of his policy, with nothing to go on but a newspaper clipping, solemnly concluding that the terrorism inspired by guerrillas and cattle thieves in the mountains of Batangas and Laguna, and the yells of blood-thirsty bolomen in the island of Samar, indicated that the whole Philippine Archipelago had been welded together by the fires of war into a solid national mass which was ready and waiting for our tardy recognition as an independent State.

I will confess that there is enough yet to be done by the Army to depress the feelings of the American people. At the same

time the progress which has been made, the good and lasting work that has been done throughout the whole group of islands, outside of two or three provinces where the process of pacification has only just been finished, is such as to fill with hope and enthusiasm the heart of every man who has taken a sincere interest in the success of our arduous service of those remote and misunderstood regions of the earth.

We are not in the dark as to the present stage of our advancement toward the goal of self-government which we have set up for these islands. We have the testimony of the officers of the Army as to the military conditions prevailing in the island of Luzon. Outside of the provinces of Batangas and Laguna they agree that the active work of the Army is done, and General Chaffee's latest report indicates that General Bell has at last won a gratifying victory over the desperate obstacles with which his gallant brigade has so long contended in these two provinces. So that to-day the whole island of Luzon is living in peace, and civil government will soon be established in the two remaining unorganized provinces.

But we have not only the testimony of the officers of the Army, but we have also the report of the Philippine Commission, and especially the testimony given by Governor Taft before the Senate committee during his recent visit to the capital. He says that, accompanied by his colleagues and without military escort, he passed in perfect security from the capital of one province to another, kindly received everywhere by the inhabitants, and organized the local administration of municipalities and provinces on the basis of popular self-government, as authorized in the statutes which had been previously framed by the Commission, finding the people everywhere ready to begin the work of building upon a safe foundation the political future of these scattered communities.

So that to-day courts of justice, schools crowded with eager pupils, highways, and progressive industrial conditions have everywhere followed the surrender of the vagrant armies which had been wandering over the island ever since the capitulation of the Spanish garrison at Manila; while throughout the whole civilized portion of the archipelago, except in two or three provinces, there is peace, order, and cheerful submission to the restraints of good laws. Even the bandits, who for centuries have infested the country, have in many regions recognized the efficiency of the new order of things, as they have stood before native judges, arrested by native policemen, and answered for crimes the like of which had gone almost unnoticed for generations.

I have in my hand what I regard as the most conclusive evidence of the state of affairs in the Philippine Archipelago—the reports made to the government at Manila by the provincial authorities all over the islands, including the period since the civil government has been organized and up to January 1, 1902. These reports cover the whole civilized portions of the islands outside of Samar, and the two provinces in Luzon, Batangas and Laguna, where the disturbed conditions have only recently been pacified.

Notwithstanding my regard for the comfort and convenience of the Senate, I am disposed to read a few of them. First of all I will read the report of the governor of the province of Bulacan. I read it first because it is the province which contained the original capital of the imaginary Philippine republic. The governor, who is a native, says:

The province of Bulacan, under my charge, presents, politically considered, a sublime idea of its sincere gratitude and loyalty to the Government of the United States of America in the Philippine Archipelago.

I am justified in this statement by that very revolutionary spirit shown by the province in past times, and the readiness with which the inhabitants recognized the laudable intentions of the Government of the great North American nation in regard to this country and the urgent need for becoming thoroughly penetrated with the transcendent importance of peace, being convinced that only under peace can the welfare and uplifting of the Philippines under American rule be effected.

In fact, scarcely a month had passed by since the establishment of civil rule in this province, under the most liberal laws yet known in this country, when the most bitter of the revolutionary chiefs still in the mountains of Angat, Norzagaray, and San Miguel de Mayumo, like the ex-Colonels Tecson and Morales and ex-General Torres, presented themselves before the authorities and took the oath of fealty and allegiance to American sovereignty.

From that time the province of Bulacan has been enjoying an unbroken peace, and its inhabitants, contented beyond measure with the establishment of civil rule in the Philippines, are doing all they can to strengthen that peace as a necessary basis for their happiness, thus showing their appreciation of the Government which now so wisely rules the destinies of this country.

The following is the report of the native governor of the new province of Rizal, a province named by Governor Taft out of regard for the memory of one of the greatest Philippine patriots:

Rizal Province is composed of the 19 towns formerly a part of the province of Manila and the 14 towns belonging to the districts of Morong. Provincial government established on June 20, 1901. Municipalities were organized from June to September. In almost all the towns the justice courts are already in operation.

The court of first instance has been established since July 11, 1901. Peace in Rizal is complete. All inhabitants are in favor of the civil government and devoted to American sovereignty. Highwaymen, who formerly oper-

ated in various places in Morong, have been driven out. The census is almost completed, and, from present information, the number of persons estimated at 140,000. Municipal autonomy is executed with sufficient force.

The following is from the report of the native governor of Pampanga:

At the present time this province is in the most peaceable condition. Many of the natives are highly educated, and since the introduction of the public schools under the United States Government a great improvement is noticed among the lower classes.

The finances of the province, as shown by the report of the provincial treasurer, show a balance in hand of over \$28,000 United States currency, with outstanding indebtedness of less than \$8,000 United States currency.

Roads and bridges throughout the province are in fairly good condition, and work on same is being pushed as rapidly as possible.

Agricultural and other industries have been prostrated on account of the last insurrection, but are picking up again. Rinderpest has also caused great mortality among the cattle.

The few remaining malefactors and bandits in this province are being constantly traced and captured by the insular police. I believe that this province is in better condition than ever before, and under the present system of government will continue to improve, as affording an opportunity and inspiration to develop its resources.

The following is from the report of the native governor of Union, of which San Fernando is the capital. I will ask you to note the evidence of the care which is being exercised over the health of the interior of the islands for the first time in their history.

The province is perfectly peaceful and this condition has existed for over a year. People are all at work in the fields and at their various professions. Civil government is accepted on every side and there is no possible reason to think that they will ever change in this feeling under the present form of government. The treasurer reports that each municipality will close the present year with a balance on hand and without a debt unpaid. The provincial treasury will have on hand approximately \$10,000 gold, \$6,000 of which will be appropriations for roads, bridges, buildings, etc.

Three large bridges are under course of construction, several thousand cubic feet of stone and soil are being placed on the road where needed, and a great deal planned by this department. Everything looks very bright for the new year, and not only myself but all the provincial officers are very sanguine as to our future. January 1 will see complete reorganization of municipal police. They will be uniformed alike throughout, thoroughly equipped, and perfectly efficient.

The organization of the interprovincial mail service is working on schedule time card. There are no ladrões in Union at present, and we believe we can keep them out. It seems much to say, but conditions promise that there will be but few prisoners in provincial six months from now, when cases turned over by military have been disposed of. But two barrios in the province have smallpox, but all persons living therein have been quarantined and vaccinated with virus from Manila.

To show that a friendly cooperation between the military and civil authorities is possible, I will add the farewell address of Colonel Davis on removing his regiment from this province:

HEADQUARTERS FIFTH INFANTRY,
San Fernando, January 18, 1902.

SIR: On departing with my regiment from your province permit me on behalf of my officers and myself to express the pleasure we have had in co-operating with you and your officials in the preservation of good order, and to express the hope that peace may continue to reign throughout the borders of your beautiful and healthful country, and that all your people may remain law abiding and thus secure that happiness and prosperity that must necessarily ensue.

Very respectfully,

CHARLES L. DAVIS,
Colonel Fifth Infantry.

Hon. JOAQUIN ORTEGA,
Governor of the Province of Union.

Here is a brief report from the province of Isabela, in the wilds of which, if I recollect correctly, Aguinaldo was captured:

No armed insurgents heard of in province six months. Non-Christian tribes, some friendly, some hostile to Christians penetrating territory. No reliable news from Palanan since capture of Aguinaldo. Cagayan Valley completely tranquilized; no escorts now used by civil officers.

The following is from the report of the native governor of Ilocos Sur:

That since the surrender of the nationalistic general, Tinio, with all his forces, who was carrying on the insurrection in this province, and of Father Aglipay, also with all his men, in that of Ilocos Norte, in the month of May last, this province under my command has been completely pacified, and from that time until the present all the pueblos have enjoyed the tranquility and personal security of normal times before the outbreak of the insurrection against Spain.

As a consequence of this pacification, the natives, as well as the Americans, military and civil, inhabitants of this province, can now visit all the pueblos with entire freedom and safety without any fear whatever of even malefactors and road agents, which, fortunately, do not exist in this province. All the people are peacefully following their customary vocations to the extent that no one any longer remembers the war, save through the newspaper reports of engagements and skirmishes taking place in the provinces of Laguna and Batangas and others in the southern islands.

Nevertheless, this government does not disregard the taking of precautions and measures calculated to prevent secret emissaries of the insurgents from entering and making propaganda in the pueblos. As to this end, having learned through the municipal president of Sevilla (the smallest pueblo in this province) that he had received some proclamations from the so-called Filipino general, Malvar, a few days ago, I sent a circular to the presidents of all the municipalities of this province, recommending that they exercise the strictest vigilance over their pueblos, and should they receive or be apprised that one or more of their neighbors were receiving such documents they should transmit them immediately to this government and take such steps as they should deem necessary to the end that any person who shall labor openly or secretly in favor of the revolutionists should be arrested at once.

Notwithstanding this, I do not entertain any fear whatever that while things remain as they are public order in this province will ever be disturbed, for I am intimately acquainted with the peaceful character, industry, and respect for law of its inhabitants, despite the fact that from time to time

alarming rumors are spread, especially by American soldiers and other persons ill disposed toward the tranquillity we enjoy, to the effect that General Tinio and Father Aglipay are again in the mountains recruiting men, or that the war will soon break out anew in this province.

The following is an extract from the report of the governor of the province of Ambos Camarines:

Population about 250,000; 32 organized towns; authority been requested to organize remainder of former towns; province in perfect state of pacification. Two small bands insurgents surrendered last September; since then no insurgent or hostile element in province. This condition is permanent so far as people of province concerned.

No doubt sentiment is for continued peace and confidence intentions American Government. Travel on all roads and to most distant interior points perfectly safe. I recently spent two nights in interior town with my family unguarded, where a year ago company of soldiers would have been necessary. Crime rare, and scarcely any trouble from ladrones. Only trouble in this line from occasional depredations by mountain tribes, which can be stopped by additions to armament of police.

Military force been greatly reduced, and towns formerly occupied by large garrisons now have but small detachments or abandoned entirely. Further reductions can be made, and recommend that it be done and troops taken from all towns, and, if kept in province, be placed in quarters outside towns. Some complaint of arbitrary acts by military, such as arresting persons on suspicion without cause, ordering people about, and retaining property where needed and desired for use by owner.

Some military commanders at outside places apparently not advised of existing laws as to authority of civil government and courts. Fair interest shown in recent municipal elections; no party lines except that candidates supposed to hold "Nationalista" views were defeated by large majority. Thirty-two American teachers in province, covering 17 towns. Good attendance and interest in schools. Night schools for adults well attended, and desire to learn English everywhere evident. Twenty more teachers needed.

A later report, dated January 14, 1902, says:

Absolute peace prevails in all sections. It is certain that there is not an armed insurgent within the borders of the province, and the people are loyally supporting the government. During my recent official visits I have traveled to all parts of the province, and, accompanied by my family, have visited the most remote places, unarmed and unguarded, in perfect security, meeting with nothing but kindness, courtesy, and hospitality everywhere.

Travel on all roads is safe and crime is rare. Some trouble has been experienced by people in remote barrios from depredations by mountain tribes, but these have not been of a serious nature, and will be entirely prevented as soon as the municipal police in the vicinity of the mountains are sufficiently armed and equipped.

The following is from the report of the governor of Tarlac:

There has been no interruption of the peace of the province since its organization under the provincial government act. The Philippine constabulary made several arrests in Moneada the first days of November for secretly meeting and conspiring to attack the troops. The trial is now in progress. The prosecution developed evidence implying considerable extent locally, the towns of Victoria, Gerona, Paniqui, and Anao being places to which its ramifications had spread. The defense is not yet completed. On the other hand, I was well received in towns in that part of the province recently visited, and expressions of desire for peace were numerous and seemingly earnest and sincere. I think this desire prevails.

I quote also from the report of the governor of the province of Albay, which shows not only political, but also industrial and educational conditions. Its delicate reference to the reported retirement of Governor Taft illustrates the general feeling of the people of the islands toward him.

The people and the officers throughout this province have noticed from the periodicals a report of your return to the States, but we all sincerely hope you are not leaving the islands permanently. The people have the greatest confidence in your friendship and best wishes for their welfare, and many of them have requested me to beg of you not to leave the islands permanently. To this request of theirs permit me to add that of my own—that when your duties are completed in the States we may hope to again see you in the islands.

Knowing your great interest in the welfare of these people a little information of the conditions existing here may be of interest to you. At present perfect peace prevails throughout the province. A few days after the establishment of civil government here General Belarmino presented himself with his entire force, and from that time to the present the peace of the province has not been disturbed. The people of this province are, as you are aware, Vicols, and have always been peacefully inclined.

The disturbances that have been in this province was due to outside leaders and never from the Vicols himself. A few Tagolo leaders came into the province recently from Manila with the hope of renewing trouble in this province, but the people were so thoroughly opposed to any further disturbances of the peace that there was not the slightest trouble in apprehending them before they were able to accomplish anything. These leaders were at once apprehended by the constabulary and are now confined in the prison of the province.

The constabulary have been and are doing excellent work, and their services have been highly commended upon by military officers of this province. Both the military and civil officers are in perfect accord, there being no friction whatever. I am informed by the leading citizens that there was never a time in the history of the province when it was in so prosperous a condition as it is at present.

Every man in the province who desires to work has plenty to do, and it is very seldom one sees a beggar on the streets. The wages at present being paid in this province are greater than they have ever been, the average laborer making from 1 to 3 pesos per day. The high price of hemp at present is bringing an enormous sum of money into the province, so that the provincial government has no difficulty whatever in collecting taxes, which give ample revenue to conduct the government on a very liberal basis.

Highways, buildings, and bridges are being put in repair and built as rapidly as the material and labor can be had to construct them. The cities of Albay and Daraga, which were formerly destroyed by the insurgents, are being rebuilt as rapidly as it is possible to secure material for their reconstruction. The reconstruction of these towns is not delayed through any lack of finance, but through scarcity of material. If a million feet of lumber was landed in Legaspi I believe the entire amount could be sold in less than thirty days.

Schools have been organized in all pueblos and a greater part of the barrios. The nineteen leading pueblos in the province now have American instructors, and the progress they are making is exceptionally gratifying.

I call attention also to the following extract from the report of the native governor of the province of Iloilo. He reports:

That as regards peace and order it may be asserted that this province of Iloilo has no cause to envy any other province in the archipelago. The civil rule established here has satisfied the people and completed the work of pacification commenced by the military government. It may be asserted that the people, convinced of the advantages of this rule, have forgotten all the past in order to think only of their advancement materially, morally, and politically.

Highway robbery, which is the sequence to every war and famine, far from taking hold in this province, is decreasing, thanks to the active prosecution of which it is the object on the part of the constabulary, who are doing very good service. It is to be hoped that, assailed on every side, the people of evil life will disappear.

I insert in full the report of the provincial governor of Cavite, a province which, while it lies near to Manila, is, on account of its mountainous character, one of the most inaccessible in the islands:

MENDEZ NUÑEZ, December 17, 1901.

HON. LUKE E. WRIGHT,

Acting Civil Governor of the Philippine Islands, Manila.

SIR: On this date, I being in this pueblo of Mendez Nuñez, in my province, to hold special municipal elections, I received your telegram of the 15th instant, which my provincial secretary was pleased to transmit me, as also your courteous letter of the 12th of the same month; and in compliance with all your instructions to me I have the honor and pleasure of reporting to you as follows:

During the trip I have been making up to date to the mountain towns of this province of Cavite, organizing municipalities, I feel that I ought to entertain no doubt of the desire for peace entertained by all its inhabitants.

In this trip I have taken steps to bring about the surrender of some small armed groups, the wake, as it were, of the revolutionary forces already surrendered, which, though they still continue under arms, have no political color, and the proof of this is that they devote themselves solely to holding up native traders to get their money. And from the steps I have taken I am in hopes that within a few days all these small armed parties, that are nothing more than highwaymen, will present themselves with all their arms.

I can also assure you of the peace and order in my province, and that the civil authorities, with the constabulary forces, will be sufficient to maintain and preserve them.

This organizing of municipalities will last, at the longest, up to the 22d instant, and when completed I shall be glad to report in person to you for an interview, after which I shall return to my province to clean it up completely.

I am very much impressed with and am almost certain of the successful results of my efforts tending to attracting and surrender of all parties still under arms in this province, who are nothing more, I repeat, than highwaymen, without any political ends.

With respect to the insurgents in other provinces, I have also the pleasure of informing you that I have already found means to enable me to communicate with them, particularly with those of the province of Batangas, and if fortune favors me, perhaps my negotiations may convince them and bring about their capitulation.

I have the honor to be, very respectfully,

MARIANO TRIAS,
Provincial Governor.

I think also the report of the governor of the province of Zambales, which is inserted in full, is not without interest, since it contains the pueblo of Macabebe:

IBA, ZAMBALES, P. I., December 16, 1901.

HON. MR. WRIGHT,

Acting Civil Governor of these Islands.

SIR: Your telegram of the 15th instant, in which you direct me to transmit a written report as to the peace conditions in this province, has been received by the provincial government, and I have the honor to report to you that the said conditions are truly satisfactory, so much so in fact that I can assert without the slightest exaggeration that in no point whatever of the province, including the most distant barrios of any pueblo and even in the mountains, is there noticeable the slightest sign of the existence of a revolution, and nothing remains of the former revolution but the sad evidences of the damage caused by and through the war, which are manifest, unfortunately, in the greater or less losses in property and loved ones by the inhabitants of the province; and the victims of those losses, as harmful as they are regretted, can not but still feel them, though they suffer in patience and with Christian resignation.

This perfect tranquility and peace has been enjoyed by these inhabitants without any change or alteration since the ex-nationalistic general, Señor Tomas Mascardo, in May last surrendered to the constituted authorities. He exercised the superior command over the nationalistic guerrilla bands that were accustomed from time to time to molest one or more pueblos of the province, and to hold engagement with the forces of the American Army stationed therein, although without any advantage or benefit to themselves, and always causing the peaceful inhabitants unrest, alarm, and disquiet. These guerrillas, all attenuated and demoralized completely with that surrender, disappeared, which was very favorable to the province, and gratefully remembered by the same.

The fact is that prior to the said surrender these guerrilla bands were a constant nightmare for the peaceful citizens. The barrios situated at a distance from the pueblo became more and more deserted, being abandoned by their inhabitants, owing to the frequent attacks upon their persons and their interests, the guerrillas seizing both when least expected. The farmers, who compose the greater part of the inhabitants of the province, could not, without exposing their personal safety, devote themselves to their ordinary occupations when necessary to do so at points far removed from the pueblo. The traders who were compelled, in order to gain their livelihood, to pass from one pueblo to another, could only do so when the occasion presented itself to be protected by the American military forces who, in the line of duty, passed from one pueblo to another over the same route the former usually follow.

The stock raisers withdrew their stock from the pasture lands to prevent their becoming the object of the rapacity, compulsory or otherwise, of the guerrilla bands, thus exposing the stock to dying of hunger for want of food. In a word, all the inhabitants unwillingly withdrew from working out their material progress and prosperity, this being, however mournful and regrettable, better than losing their lives in the effort to secure their own happiness; and therefore no one could live at peace with God and man unless it were within the pueblos protected by American military detachments.

But now, ever since the ex-nationalistic general, Mascardo, surrendered, there is no repetition of these sad events, and the whole province, as though by magic, is animated to make up with interest their losses by devoting themselves with greater energy and ardor than heretofore to labor, not only

because it has returned to its normal and peaceful life, but also by reason of the content and enthusiasm it feels through the implanting of the civil rule and the establishment of several schools for the teaching of the English tongue in many pueblos of the province. The whole of the latter may now be traveled without any personal or material risk whatever and without the protection of an armed force.

So true is this that the inhabitants of the pueblo of Macabebe, province of Pampanga, who, it is well known, are hated by the Nationalists, come and go from that province to this one freely, without anything happening to them on the road, carrying to and selling in the different pueblos and barrios, as they did during the former domination, their native cloths, made in different places. The children of both sexes as never before devote themselves with ardor, application, and profit to the study of the English language.

This is all I can report to you in compliance with your foregoing telegram and in honor of the truth.

Respectfully,

POTENCIANO LESACA,
Provincial Governor.

I insert also in full the report of the governor of Pangasinan:
LINGAYEN, December 17, 1901.

THE ACTING CIVIL GOVERNOR OF THE PHILIPPINES.

SIR: In answer to your telegram of the 15th instant, asking for a report on the state of peace and the general conditions of the province, I have the honor to inform you that since civil régime has been established the inhabitants enjoy perfect tranquility and comfort, and that their conditions are growing better each day under the new régime.

Peace is so well established that it has never been disturbed in the slightest, although we have discovered some small remains of the robber bands, formed of coarse and ignorant people, which existed in the province during the past revolutions and try to cover their misdeeds with some sort of political color, but the matter has no importance whatever.

The court of first instance has investigated the question, and has already released the 30 men who had been arrested in the municipality of Tayug, as they had been deceived by the so-called "guards of honor," and 24 others are still in jail waiting to be tried.

Very respectfully,

P. SISON,
Provincial Governor.

A later report, dated January 15, 1902, says:

During the year 1901 the inhabitants of the province have enjoyed and are enjoying perfect peace. The roads and bridges have generally been sufficiently repaired and rebuilt, as also the provincial buildings, such as the government house, the provisional prison, and the park of the capital. Where the work is not finished, it is carried on with the greatest activity. The provincial board has voted an appropriation for the purchase of important elements of transportation for the materials necessary for road building, so that the work may be done with the greatest possible amount of solidity and economy. The schools are attended by the children of both sexes.

Some of the municipalities insist on having American teachers, as it has been impossible to provide all the pueblos with them. The assessment of the property is progressing, and all the other contributions are collected with the greatest regularity. The rice crop, which is being gathered, is plentiful. In many municipalities houses and other buildings are being repaired and constructed. Agriculture, industry, and commerce, are making considerable progress. Under the present civil régime the general conditions of the province are daily improving, as well as the private interests of the inhabitants.

The following is an extract from the report of the governor of the province of Sorsogon. It is specially interesting because it shows that the native constabulary knows how to handle local uprisings:

SIR: In compliance with instructions contained in telegram from the civil governor, I have the honor to report that the conditions in the province of Sorsogon are satisfactory.

I personally have just returned from an overland trip, visiting all of the towns south of Sorsogon and passing through the wildest and roughest part of the country. The trip was made without a guard, and in all the towns and barrios the spirit of the people seemed to be the best.

The province has recently recovered from a local uprising, not of any political significance, but due purely to the ignorance of the populace in following a few unprincipled leaders who led them from motives of personal gain and who are not natives of this province. The matter was promptly taken in hand by the military authorities and the constabulary, and with the very material assistance of some of the presidentes and "principales" the uprising was soon quelled and the leaders nearly all captured or killed.

The general feeling among the intelligent portion of the population is good, and when they realize that they hold the power of leading the ignorant in the right direction and exercise that power for the general good, there will be little danger of further trouble in the province, as the people are naturally pacific and desire to live in peace. I can now begin to see some results of our work and instruction in this direction, and the municipal officers and some of the more intelligent of the people are beginning to realize that they have a further responsibility to their country and the government than remaining passively inactive and watching the Americans put down uprisings.

The following is an extract from the report of the governor of the province of Batan:

SIR: I have the honor to state that I have recently made an inspection of and visited all the towns in this province, and find the people entirely in accord with the government as established and expressing freely and unanimously their appreciation and approval of the forms of the government—municipal, provincial, and insular—now existing. The local governments of the municipalities are conducted in an intelligent, judicious, and praiseworthy manner.

There has not yet been a single abuse or breach of trust committed by an official since the establishment of civil government in the province, March 2, 1901. The local governments of the municipalities are conducted in an intelligent, judicious, and praiseworthy manner. There has not yet been a single abuse or breach of trust committed by an official since the establishment of civil government in the province, March 2, 1901. The financial accounts are in a healthy condition: all the towns are accumulating money in the treasuries, some having \$3,000 at the end of last month on hand, with the intention of building schoolhouses first and other public improvements next.

The following is from the report of the governor of the province of Nueva Ecija:

The province is and has been free from any insurrectionary movement since the establishment of civil government in the province, July 2, 1901.

I insert also the report of Captain Grant, who was appointed governor of the province of Leyte, an island remote from Luzon, the disturbed conditions of which, since this report was sent in, have been emphasized by the newspaper accounts of the complaints of Captain Grant against the Army officers now in the island:

I have the honor to report that the peace conditions of this province are fairly satisfactory. The only armed resistance to constituted authority, so far as is now known, consists of a band of ladrones under the leadership of the two Capili brothers, who are reported to have about forty guns, of all kinds, the majority of which are unserviceable, while their supply of ammunition is very limited and of poor quality, most of it being of their own manufacture.

The people, generally, are anxious for civil government, and the officials elected in the various towns are developing, as a general rule, a very high degree of intelligence in the performance of their respective duties.

That the great majority of the people are happy and contented with their present condition is evidenced by the renewed activity displayed in all branches of industry. Agricultural, commercial, and manufacturing industries are taking on new life throughout the province, while the people are rebuilding their towns and homes, and are erecting, in many instances, substantial and comfortable buildings, instead of nipa shacks.

One of the most gratifying, and, to my mind, one of the most encouraging indications as demonstrating their appreciation of our institutions, as well as the popularity of the same, is the intense interest manifested among the masses to acquire a knowledge of the English language. During the current year the municipalities in this province have expended about 10,000 pesos in the construction and equipment of schoolhouses, which I think is quite a good showing for newly organized towns just recovering from the effects of a two or three years' war.

There are at present 36 American teachers on duty in the province, all of whom are doing excellent work. It affords me much pleasure to report that, with but one or two exceptions, there has been absolutely no friction between the padres and the schools, while quite a number of the padres have exhibited a desire to learn our language.

Let me add also this extract from the report of the governor of the province of Capiz, in Panay, which shows the expiring breath of the insurrection:

So pronounced is the public spirit for the preservation of order and the maintenance of civil institutions that at the beginning of October last, shortly after the unhappy event at Balangiga, island of Samar, some bad patriots with perverse intentions spread the rumor that 40 revolutionists, well armed with rifles, from Samar, had disembarked, and that on the 1st of November the bolomen were going to cut the throats of all the Americans and Americanists.

These rumors found echo in the military, who took every kind of precautions, despite the fact that from reports received by this government the whole thing was false and intended only to alarm the people and see if the pueblos would become disturbed. The result was that all the pueblos unanimously were vigilant in their desire to maintain peace and disposed to sacrifice themselves in the interests of order, as was reported by the presidentes of the pueblos in reply to recommendations made by this government.

Recently, owing to the fact that the police in many pueblos have only bolos for arms, and the news having reached the ladrones that the American forces stationed at some towns will not leave their quarters, even when the barrios near the pueblo are attacked, as has already happened, the ladrones have become emboldened and have committed many robberies, carrying off carabao belonging to the poor people who live outside the pueblo.

The public instruction is giving very favorable results through the appointment of American teachers, and already the number of children who begin to speak English is quite large, and all of them are anxious to become acquainted with the modern American methods of instruction.

Very respectfully,

S. JUGO VIDAL,
Provincial Governor.

The following is from the report of the governor of the province of Abra:

Assumed command Abra, March 27.

The insurrection at that time being very active, drastic measures were necessary, in consequence of which the surrender of all under arms was accomplished before May 1. Since then peace has reigned throughout the province. Civil government was established September 1, since which time we have been busy reorganizing the several pueblos.

All men are hard at work planting and building. No ladrones; very slight breaches of the peace. Safe for all to travel anywhere. Province is poor and needs assistance, money for roads being the first requirement. Industrial schools recommended, also sawmills, gristmills, etc. Schools in prosperous condition; the people seem contented and happy, and will remain so unless some hothead for personal reasons inaugurates strife. The people of Abra are a class of themselves.

The report of the governor of Marinduque is so brief that I insert it in full:

BOAC, MARINDUQUE, December 25, 1901—4.45 p. m.

CIVIL GOVERNOR, Manila:

Replying to your telegram 18th, received this date, letters as per request have been mailed. Marinduque is enjoying peace, happiness, and prosperity, so that American Army officers and civilians travel through the province alone and unarmed, as they would in their own country. Marinduque is engaged in peaceful avocations, and sincerely loves America and has faith and confidence in the future.

PARAS, Governor.

The governor of Cagayan reports as follows:

Peaceable condition of province is general and thoroughly established, which can be understood by contemplating the enthusiastic reception made to me at all towns where I hold municipal elections. People are very favorable to establishment of civil government and very obedient to the United States.

The provincial authorities of the island of Masbate say:

Peace is so completely established in the province that there is not so much as a gang of robbers in the whole territory. The provincial government and the municipalities are doing their work with regularity, and the people are deeply thankful for the benefits derived from the civil régime.

In the pueblos which have teachers the study of English is progressing. The people have a strong desire to learn the language, and it will be necessary to send teachers to all the pueblos; there are only 6 teachers for 17 pueblos.

The following is an extract from the report of the governor of the province of Misamis, one of the more backward provinces:

From Yligan to Gingo-og, including the island of Camiguin—that is to say in the east region, in which Cagayan, the capital, is situated—the perfect tranquillity of normal times is enjoyed, rarely interrupted by some evil deed on the part of the Moros of the Laguna de Lanao, in the neighborhood of Yligan exclusively, as has been their practice in all times.

Things are different in the other part of the province, from Misamis to Langaran, where the insurgent general, Rufino Deloso, is actively pursued by the American troops. Hardly any news is received from that region, for the reasons above mentioned, except by the military authorities, which have a cable and a steam launch. The local civil authorities never report by cable or letter any matter concerning the military operations, as the military elements have adopted such rigorous measures that they are terrified and do not dare even ask for information, for fear of misconstrued interpretation.

IMPORTANCE OF GENERAL DELOSO'S FORCES.

Gen. Rufino Deloso and his forces have been given much more importance than they deserve. He has only a few men with him (50 according to public rumor), and the principal inhabitants of that part of the province have shown him marked coldness and given me proofs of their strong desire to enjoy civil life under the new laws which rule the other pueblos. I can affirm that with a just and impartial policy, and the use of some tact on the part of the military authorities in their relations with the civil elements, complete peace and tranquillity would soon be obtained.

Following is an extract from the report of the provincial government of Occidental Negros:

Since the 6th of November, 1898, the island has had three distinct governments: First, the revolutionary government; next, the provisional one, after November 6, 1899, and, finally, the present government, after May 1, 1901. The two first were half civil and half military, the last purely civil. This succession of three distinct organizations amidst relative peace and tranquillity had brought the people of Occidental Negros to their present situation. Civil régime is not entirely new for them, although they appreciate its great advantages and its beneficial influence on all phases of public, private, political, and economic life.

ESTABLISHMENT OF CIVIL GOVERNMENT.

Civil government was established nine months ago, and although this is a short period in which to appreciate the character of a political epoch, one feels already among the people the first signs of an era of contentment and love for a régime which had been so long desired, which can not fail to lay for the future the stable foundations of a radical and deeply autonomous constitution.

If, while war was raging in other provinces, its contagious blasts were hardly felt here before they were extinguished by the prudence of the wise governors of Negros, and, above all, by the opinion of the people, which has shown unanimously that it is opposed to an irreconcilable policy; if, during the most critical moments of the revolution, Negros was considered by natives and foreigners as a paradise of tranquillity, it is useless to describe its present situation under the auspices of civil régime, which has always been the object of the wishes of all the inhabitants, who have never been induced to wander from the road which they have so happily followed. The only atmosphere here is one of peace, and hearts only beat for the prosperity of the province.

I append also an extract from the report of Julio Llorente, governor of the province of Cebu:

The conditions of surrender presented by the Commission were nearly all accepted by General Hughes and, as a result, Maxilom and all his forces became law-abiding citizens, and so complete has become the establishment of peace in this province that not a single gun belonging to insurgents has remained in the field. And those who surrendered are giving proofs of this patriotism and await resignedly for the time when peace shall be declared to reign throughout the entire archipelago, when they will recover the exercise of their political rights.

The governor of the province of Bohol says:

I have the honor to confirm the fact that the province of Bohol is now pacified.

The following is an extract from the report of the native governor of the province of Ilocos Norte:

As it was to be hoped, the establishment of the provincial government, with its provincial board, and of the municipal governments, with their municipal councils, have been and are most favorably received by all the inhabitants, although they were far from knowing, when they intrusted to their municipal governments the absolute management of the pueblos, that such municipal governments must be composed of competent and intelligent men, worthy of the honor which is done them, and capable of performing the duties of their office, as the most powerful element for obtaining the prosperity and the happiness of the pueblos is now intelligence and not force.

Popular election, which is an excellent system in civilized countries, where the rights of election and of vote are well known, where liberty is well understood and the necessity for intelligence, and not force, recognized by the citizens, is rather premature in this province, where what happens is just the opposite. I will not say that popular election is a bad system in this province; on the contrary, it is excellent for the people to learn its advantages as soon as possible; but for this purpose it would be better not to allow the people, for some time to come, at least, to elect the municipal officials, such as the president and vice-president, who ought to be appointed after proper investigation of their character, their capacity, and their legal competency, although the municipal councilors might be elected by popular vote as a trial and for the instruction of the people. My opinion is in favor of the adoption of legislative measures in that regard.

In some of the provinces friction has occurred between the civil and military authorities, and this has been especially noticeable in the few provinces where it was impossible to secure properly qualified native governors.

Such a province is Tayabas, where Maj. Cornelius Gardener, whose charges against the military authorities are now under investigation at Manila, is governor. It lies near the disturbed area of Batangas and Laguna. Nevertheless even here, in spite

of his complaints against the Army, Major Gardener bears important testimony. Among other things he says in his report:

The work of the Philippine Commission and the laws that have been enacted by it are everywhere favorably commented upon by the natives. The efforts being made for the general education of the people are appreciated by all. The provincial government and municipal governments established are slowly bringing order out of chaos and anarchy, and there begins to be visible everywhere in this province progress and prosperity. True loyalty and contentment can only come under a benign civil government.

In Batangas, the most difficult of all the insurrectionary provinces to manage, the provincial secretary, Florencio R. Caldo, writing to the civil governor at Manila, on the 18th of December, 1901, in the midst of General Bell's campaign, which has now fortunately been crowned with complete success, after describing the unfortunate conditions of the people of the community, says:

The committees of the Federal party having been created in the pueblos of the province since February last, civil rule having been inaugurated and established since the May following, and the pueblos having been organized into municipalities pursuant to the existing municipal code, with the exception of Cuenta, Taysan, and Rosario, all of us who were lovers of peace and order hoped that those who were still in arms would surrender and recognize American sovereignty, in order to enjoy the benefits of that rule with us.

But the revolutionary leaders, miserably deceived by the revolutionary committee of Hongkong, and all of them, down to the last private, being the rulers over the life and property of the poor farmers who live outside the immediate protection of the American forces, have wished to remain in arms, for if they surrender the greater part will become vagrants, accustomed as they are to living at the expense of others.

Nevertheless, through the efficient measures which the illustrious General Bell is beginning to take, such as the blockade of the ports of this province and the prohibition of all trade, it is to be hoped that within a short time the desired peace may be secured. All the more since all the pueblos are clamoring for it and willing to lend their valuable assistance to its securing.

These reports cover the whole island of Luzon, except one province, and practically the whole civilized portion of the archipelago, which from one end to the other is now living under our peaceful authority.

I will only add an extract from the report of the chief of the Philippine constabulary, which indicates the present state of the native police force which is to be the future right hand of the insular government. He says:

The constabulary forces are fairly well organized (though the ranks are not completed) in all the provinces except Principe, Infanta, Mindoro, Samar, Zamboanga, Catabato, Davao, Jolo, Paragua, Batangas, and Laguna. In the two last-named provinces only inspectors and special service men are working. We are now able to hold the following provinces without troops: Abra, Bontoc, Union, Lepanto, Benguet, Nueva Viscaya, and Bataan, likewise Principe and Infanta whenever it may be required. Within three months from this date it is believed that troops may be concentrated in a single garrison in at least eight provinces and that there will be others that can be held by the constabulary without troops.

On December 15 the constabulary had in round numbers 2,500 men. The great care exercised in recruiting this force accounts for the fact that this number is not larger, but is indeed worthy of remark that up to the present time only two men have been lost by desertion.

He adds:

When Malver in Batangas and Lukban in Samar are killed or captured the work in this archipelago will consist chiefly in destroying the numerous bands of robbers, variously called tulisanes, ladrones, alsados, babylanos, diosdios, etc., and in this work the constabulary will be specially valuable, as shown by the beginning already made.

The general condition of the islands, as regards pacification, has never been so favorable as now, when the crumbling from the top is duly manifest. The new Association of Peace was organized, and its work is being carried on by the extreme group of politicians, journalists, and intransigents, who have until now been responsible for the continuation of the insurrection. In my opinion the campaign in progress in Batangas and Laguna will be the coup de grace of the insurrection and will prevent our trouble in the Philippines from becoming chronic.

The record of this work reflects infinite honor upon the Commission which has executed it, upon the American Army which made it possible, and upon the people of the United States who stood by President McKinley in the national election which saved the Philippine Islands to civilization.

To Governor William H. Taft, more than to any other man, belongs the credit of this benign interpretation of the national policy.

Unlike my friend the Senator from Colorado [Mr. PATTERSON], who does me the honor to listen to me this moment, he was not an original enthusiast on the acquisition of the islands. The President sent for him, and he carelessly boasted before he had had an opportunity to see him that he had not the slightest intention of going into any such business. He was judge of a circuit court of the United States, and before him there was a prospect clear as day to sit in the Supreme Court of the United States. He said he was opposed to the policy and knew nothing about it and cared nothing about it. He thought it was a blunder and a course of political stupidity.

President McKinley pressed his duty upon him. He was five hours in the President's private apartments, and when he came out he had been over the road to Damascus, a road which Victor Hugo says every man must travel who looks to any great achievement in this world, for he himself told me that in those five hours he received an altogether new revelation of the significance of

a man's relation to the world in which we are living. And so, easily and happily, he turned his back on the emoluments of a great profession, laid aside the ambitions of a great career, gathered his wife and children about him, and went out from among his kindred and his countrymen to become the servant of strange peoples in their blind struggle toward a larger and a better opportunity.

His perfect comprehension of the problems involved, his brotherly heart leaning toward that people with a tender sympathy, his manly confidence in his country, his invincible optimism rising above all doubts and all fears—these have been the guaranties of his success, and these are the moral qualities that will place his name among the great figures in the history of our time.

He came here from a bed of sickness, and while he was here his body was racked with pain. Yet he could not keep to himself his anxiety to get back to his people, and when the other day he bade us good-by and anxious friends were heard to inquire about his health he told them in words which thrilled me as few things have thrilled me in all my contact with men and with affairs that if he knew he was going back to the Philippine Islands to die, nevertheless he would desire to be about the business which had been committed to his hands. My countrymen, it is impossible to overshadow the lofty heroism of a mission like that with the noise and dust and tempest of partisan controversy in the Senate.

This responsibility of ours is not a party responsibility. It is as completely national as the declaration of war against Spain. Men of all parties were with the late President when he began the work. Men of all parties will be with Theodore Roosevelt as, with a brave heart, keeping close to the counsel of the men who were nearest to McKinley when he died, he carries out in good faith the promise which he made to the American people in the hour of national sorrow, when he took upon him the oath of his high official duty.

Nor can this be a sectional question. The other day I heard a gallant knight step forth and offer his lance to defend the South if it should be attacked. The South is not likely to be attacked in this debate, and I warn those who are saving their ammunition to defend the South that they will have other need for their resources. A new generation is now on the stage of action in the United States, a generation which refuses to rekindle the fires of old animosities long since burned out, a generation that concedes to every section of the Union the right to work out the problems that have come upon them in the progress of society, not even offering them advice, but sympathy and good will rather, in the ordeal through which they are yet to pass.

For one I find comfort in the fact that to-day the affairs of the Philippines are in the hands of a broad minded rebel general, Luke E. Wright of Tennessee, honored as few men are honored throughout the South, and I never think of the trials of our little army in Luzon without seeing in my mind's eye a little old rebel cavalryman by the name of Joe Wheeler, yonder on the other side of the world, riding at the head of his division defending the sovereignty of the Republic, under our flag, the flag that never did stand and never can stand for anything except the liberties of the human race.

Nearly fifty years ago Mr. Seward, speaking in the old Senate Chamber where the Supreme Court now sits, caught a prophetic glimpse of the future. He saw the conquest of the Rocky Mountains and the Bay of San Francisco filled with ships; he saw the isthmian canal opened to the nations. He saw the unnumbered millions of the East, touched at last by the mighty forces of the modern world, making the Pacific Ocean the appointed highway of our traffic with far-off lands, then mysterious or unknown.

Within that fifty years the Empire of Japan has risen up out of the ocean and to-day grasps the hand of Great Britain in a solemn covenant to guard the territorial unity of China and the equality of all commercial rights, while near at hand, on the very borders of Asia, are these islands, taking their first feeble steps toward constitutional government under our guidance; and I say to you, reflecting on the sacrifices we have made, counting the treasure we have poured out like water, considering the obligations we are under, and measuring the interests that are at stake, the Congress of the United States is just as likely to cede back the Mississippi Valley to the lawful heirs of Napoleon The Great as it is to leave the Philippine Archipelago to become a spoil of anarchy or a prize for European diplomacy. [Manifestations of applause in the galleries.]

OMNIBUS CLAIMS BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, having met, after a conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment numbered 2, and agree to the same.

That the House recede from its disagreement to the Senate amendment numbered 1, and agree to the same with amendments, as follows:

On page 8 of said Senate amendment, between lines numbered 15 and 16, insert the following:

"To Charles M. Flower, Frank S. Flower, William Flower, and D. Sprigg Flower, children of Charles H. Flower, deceased, of Rapides Parish, \$23,857."

On page 10 of said Senate amendment, between lines numbered 18 and 19, insert the following:

"To Henry R. Walton, administrator of John Walton, deceased, of Anne Arundel County, \$5,083."

On page 24 of said Senate amendment, between lines numbered 17 and 18, insert the following:

"To W. H. Robertson, administrator of Emma Robertson deceased (formerly Emma M. Mayo); H. P. Hobson, administrator of Lucy Mayo, deceased, and Sarah Agnes Bumpass, heirs of F. W. Mayo, deceased, of Fayette County, \$874."

On page 29 of said Senate amendment, in line numbered 22, strike out the words "James C. Hays, administrator de bonis non," and insert in lieu thereof the words "Titus C. Hammond, administrator with the will annexed."

On page 75 strike out lines numbered 17, 18, 19, 20, 21, 22, 23, 24, and 25 and all of pages numbered 75, 76, 77, 78, 79, and 80, the same being the claims known as the "Selfridge board findings."

On page 86 of said Senate amendment strike out lines numbered 6, 7, 8, 9, 10, 11, 12, 13, and 14 and insert in lieu thereof the following:

"That the claim of the State of Nevada for costs, charges, and expenses properly incurred by the Territory of Nevada for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection against the United States, war of 1861 to 1865, under the act of Congress of July 27, 1861 (12 Stats., p. 276), and joint resolution of March 8, 1862 (12 Stats., p. 615), as interpreted and applied by the Supreme Court of the United States in the case of the State of New York against the United States, decided January 6, 1896 (100 U. S. Reports, p. 598), not heretofore allowed or heretofore disallowed by the accounting officers of the Treasury, shall be reopened, examined, and allowed, and if deemed necessary, shall be transmitted to the Court of Claims for findings of fact or determination of disputed questions of law to aid in the settlement of the claims by the accounting officers."

On page 87 of said Senate amendment, strike out lines numbered 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19.

On page 88 of said Senate amendment, in line 8, strike out the word "thirty" and insert in lieu thereof the word "twenty-five."

On page 88 of said Senate amendment, in line numbered 15, strike out the word "thirty" and insert in lieu thereof the word "twenty-five."

On page 90 of said Senate amendment, strike out lines numbered 21, 22, 23, 24, and 25 and insert in lieu thereof the following:

"To James M. Seymour, jr., the sum of \$2,500 for services as assistant commissioner to the International Exposition at Barcelona, Spain."

On page 92 of said Senate amendment, in line numbered 11, strike out "M. M. Defrees, of Indianapolis, Ind.," and insert in lieu thereof "The State of Indiana."

On page 92 of said Senate amendment, in lines numbered 22, 23, and 24, strike out the words "eight thousand three hundred and five dollars and thirty-eight cents, that being" and insert in lieu thereof the words "five thousand dollars, that being in lieu thereof."

On page 101 of said Senate amendment, strike out lines 19, 20, 21, 22, 23, 24, and 25; and on page 102 of said Senate amendment strike out lines numbered 1, 2, and 3; and the Senate agree to the same.

F. E. WARREN,
WM. E. MASON,
H. M. TELLER,

Managers on the part of the Senate.

THAD. M. MAHON,
HENRY R. GIBSON,
T. W. SIMS,

Managers on the part of the House.

Mr. WARREN. I ask that the paper which I send to the desk may also be read. It is brief.

The PRESIDING OFFICER. It will be read by the Secretary. The Secretary read as follows:

OMNIBUS CLAIMS BILL, 1902.

Amount of bill as passed by the House.....	\$213,105.51
Net increase by the Senate	2,929,252.09

Amount of bill as passed by the Senate	3,142,357.60
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Of the increase made by the Senate of \$2,929,252.09 the House has agreed to \$1,405,393.35, and the Senate has receded from \$1,533,172.74, making the total of the bill, direct appropriation, as agreed to in conference, \$1,618,488.86.

Mr. WARREN. Mr. President, in explanation of this conference report I beg to say that the report is precisely the same as the first conference agreed upon, except that, first, the language is changed a little in stating a mode of settlement of the Nevada State claims, and, second, we have cut out all of the so-called Selfridge board claims, amounting to \$1,072,425.39.

Your conferees have not surrendered their convictions or their belief in the merits of the Selfridge board claims which have been taken out, but it is perfectly plain to me, and it must be plain to every Senator, that parliamentary practice—law, perhaps I should say—demands that we now should make the concession which has been made.

The omnibus claims bill which came to the Senate from the House carried but a little over \$200,000. Of course we understood that behind it was the expectation of the House that it would be very largely increased in the Senate. We increased it about twelvefold. The amendment was about twelve times as large when the bill was reported to the Senate and passed.

This increase was made up of certain classes of claims which had reference to each other and certain claims and classes of claims having no reference to each other. Therefore the taking out of one class of claims not connected with other classes does

not interfere or change in any way the balance of the bill. It is simply taking off certain items complete in themselves.

The House has three times—once informally and twice formally—expressed itself against these particular claims during the past two weeks, and each time with an increased majority. Your conferees believed that since the Senate placed so many claims in the bill, and since the House accepted the larger portion of the Senate amendments, it was the duty of the Senate to finally recede. Therefore your conferees surrendered to the demand of the House to cut out the Selfridge board claims.

Mr. HOAR. Will the Senator from Wyoming be good enough before he yields the floor to state to the Senate in a moment the general nature and character of what he calls the Selfridge board claims? There are some Senators who do not know them by that name, or some persons who will read the debate may not know the character of the claims.

Mr. WARREN. I think perhaps the Senator was not in the Chamber when I made some explanation of these claims last week.

Mr. HOAR. I know myself what the explanation is, but I wanted the Senator in this connection to explain the Selfridge board claims, if he will do so.

Mr. WARREN. These claims represent the findings of the Selfridge board which was convened June 5, 1865, and which was presided over by Commodore Thomas O. Selfridge, the other members being Montgomery Fletcher, chief engineer, and Charles H. Eldredge, paymaster, all officers of the United States Navy, selected by the Secretary of the United States Navy to take up and consider the claims of certain contractors for extras in the building of vessels.

Mr. HOAR. During the civil war.

Mr. WARREN. During the civil war. At the time or shortly after the *Monitor* sunk the *Merrimac* there seemed to be an awakening of the Federal Government to the desirability of iron-clads and light-draft boats, and it immediately proceeded to construct a large number of light-draft boats and gunboats and, in fact, the United States precipitated itself into a sort of indiscriminate building of boats, without mature plans, getting contracts where it could, by inviting bids and almost or quite forcing contracts, in other cases by stating to the contractors that unless they conformed to the wishes of the Department their works would be taken possession of by the Government.

In justification of this statement I ask to insert in my remarks the following letter from one of the builders:

NEW YORK, February 6, 1902.

Hon. T. W. SIMS,
House of Representatives, Washington, D. C.

DEAR SIR: I beg to submit a few facts in regard to the matter discussed in the House some days ago, viz, the Selfridge board cases. On behalf of our company, the Allaire Iron Works, of this city, I would call your attention to House Report No. 19, made January 7, 1892, on bill No. 5596, introduced by Hon. Amos J. Cummings. In that report is embodied the affidavit of the secretary of our company, stating the facts fully, and, I think, clearly.

Our works were invited by the Navy Department to build engines and boilers for steamers known as double-enders. We went carefully over the drawings, estimating weights, labor, cost of material, etc., and found that we could not do the work for less than \$15,000 for each—i. e., for boiler and engine for each steamer; and this was the bid of the Allaire Works.

Subsequently, Mr. Isherwood, then Chief of the Bureau of Steam Engineering, Navy Department, called on us, and said that the Secretary was anxious to have the engines and boilers built, but would give only \$82,000, as he had bids at that figure. We told him they could not be built for that price. He replied that they would weigh but little, if any, more than the engines and boilers of the steamers of the *Paul Jones* class. We assured him that our estimate of the weight of the proposed boilers and engines was about 500,000 pounds, while those of the *Paul Jones* class weighed about 375,000 pounds each.

Mr. Isherwood said the Bureau had gone over the plans, and estimated that the proposed boilers and engines, though larger than the *Paul Jones* class, would be of lighter iron, and the weight would not vary materially from those of the *Paul Jones* class.

Upon the refusal of the Allaire Works to make a contract to build any of these engines and boilers for the price offered by the Government, viz, \$82,000, Mr. Isherwood stated that he was instructed by the Secretary of the Navy to inform them and the other engine builders who declined to build at the price offered that unless they did make contracts at the Government's price, \$82,000, the Government would seize their shops as a war measure, and build the machinery themselves.

Under this threat, and with the hope that the weights, as stated by Mr. Isherwood, would be found to be correct, we entered into contract with the Department for two engines and boilers on August 30, 1862. They were completed and delivered to the Government, engines and boilers, as follows: Engines and boilers for the *Mattabesett*, December 1, 1863; engines and boilers for the *Shamrock*, March 1, 1864.

Upon the most carefully kept cost of every item, we found that the machinery of each weighed 561,565 pounds, being nearly 200,000 pounds in excess of the weight of the *Paul Jones* class, and, as estimated by Mr. Isherwood, the actual net cost of each was \$107,119.07, entailing a loss of \$50,238.14.

We had to sign a receipt, of course, for what we were paid, but that receipt was for \$50,238.14 less than the net cost. We appealed to the Navy Department. The Department recognized the absolute justice of our appeal and loss.

We were directed to go before the Selfridge board with all our books, papers, vouchers. We went. The board, appointed by the Secretary in pursuance of Congressional mandate, reported that our loss was \$50,238.14.

That, honored sir, is our case. We submit that it is just. No receipts in full were given, or could be given; only receipts for \$82,000.

For years we have done all in our power. We can do no more. Is it just

that we should lose the money we claim? We did not want the contract. We knew we could not do the work without great loss. We took it under the circumstances I have stated to you.

In view of these facts, we hope you will see the absolute justice of our claim.

Very respectfully,

THEODORE S. MILLER,
Of Allaire Iron Works.

Now, Mr. President, the matter of adjudicating these claims was neglected for some time. Finally, on a resolution of the Senate, reported from the Committee on Naval Affairs, the Selfridge board was constituted, and its findings have remained standing to the credit of these contractors.

There has been some confusion and misunderstanding as to the two different boards which had to do with the settlement of most of these boat claims. As to the seeming conflict between the Selfridge and the Marchand boards, both were organized by the Secretary of the Navy, and he appointed officers of the Government as members. The Marchand board was not convened and was not organized to retry the Selfridge board claims. The Marchand board was organized to try an entirely new class of claims which had presented themselves after the Selfridge board.

Taking the boards in order, the Selfridge board was the first.

The action of the Secretary of the Navy was in obedience to the resolution adopted by the Senate March 9, 1865, which directed "that the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and allowance for extra work, and report the same to the Senate at its next session. None but those that have given satisfaction to the Department to be considered."

The resolution establishing the Selfridge board limited the class of claims that could be brought before it; and it limited it to those claims in which the work performed had given satisfaction to the Navy Department, and only those could be considered.

This was held by the Selfridge board to include only such vessels and such engines as had been completed and accepted by the Government. When the Selfridge board was established there were many of these vessels that had not been completed, many of them that had not been accepted by the Government, and the same condition of affairs applied to them as to the others. Under the ruling of the Selfridge board these others could not be considered by that board. Hence the necessity of a new tribunal to consider the new class of claims which had arisen.

The Selfridge board was created by an act of a coordinate branch of this Government, and appointed by the Secretary of the Navy, and it sat and discharged its duties; and the other, the Marchand board, was created by the joint action, but they were both boards representing the interests of the Government, and nothing else.

The Government was represented by the naval officers, and they had the testimony of the naval officers. The following witnesses were examined by the Government before the Selfridge board: United States Naval Constructors Pook and Delano; Chief Engineers Purse, Albert, King, Brooks, and Lawton; Government Inspectors Childs, Lowry, Betts, Hughes, and Drake, each of whom was examined fully, under oath. They were all examined under oath before the Selfridge board. They were called in there to protect the interests of the Government.

Further, this board was in correspondence with Rear-Admiral Gregory, who had charge of the gunboat contracts, with the Secretary of the Navy, with Chief Engineer Denby, with John Lenthol, Chief of the Bureau of Construction, and B. F. Isherwood, Chief of the Bureau of Engineering, and Chief Engineer Fletcher, who from time to time made personal investigation as testimony was offered to the board.

I should say that about half of the boat claims, taking Selfridge, Marchand, and Boggs board claims, have been already paid, the assertions made and scattered about in printed form by an obscure, untruthful, unauthorized person to the contrary notwithstanding. There has been passed in almost every Congress for thirty years some bill or bills covering some of these various boat claims. In the last omnibus claims bill that passed we paid the Portland Company, for the *Agawam* and *Pontoosuc*, \$64,698.97; we paid George W. Lawrence, for hulls for the *Agawam* and *Pontoosuc*, \$13,777.24; we paid George W. Quintard, for the *Onondaga*, \$83,163.13, and we paid Thomas F. Rowland, for the *Muscoota*, \$57,252. And many bills had passed before in payment for similar claims.

Those amounts represent 80 per cent of these particular claims as the Selfridge board found them. A cut of 20 per cent was made on the demand of the House conferees, not because the claims were not right; not because the amount was too large, but because they wished to reduce the total of the omnibus bill, and the 20 per cent cut applied to large Bowman Act claims as well as to these.

Mr. HOAR. Mr. President, I should like to say one word about the Selfridge board claim, and I may as well say it now as at any time. I entirely concur with the wisdom or the necessity, whether it is wise or not, of the course adopted by the chairman of the Committee on Claims.

The Selfridge board claims, if I understand them, arose exactly in this way: During the civil war there came the great invention of the *Monitor* and a great awakening to the necessity for and

the superiority of ironclads and armored vessels over the old wooden vessels. Everybody knows the history of the *Merrimac* and the *Monitor*. The United States Government required the contractors who were building the new Navy to put into their contracts the stipulation that the Government should have the right to make any changes in the contract as it should go on, at any time before its completion, and that the contractors should have the right to be reimbursed the cost.

In other words, it was as if a gentleman who had contracted with a carpenter to build him a cottage at the seashore that would cost \$1,500 had gotten the contract with a reservation that he might, if he saw fit, change it into a contract to build the new proposed depot down here, or a new building of any character. It was in substance, of course, confined to what would be called naval construction, but it was an absolute obligation to do anything the Government required. That was put in because the inventors of the country were making improvements in naval construction and architecture and the great revolution in ships of war was just begun and was going on.

The Government paid, I believe, the actual cost of these changes, although in many cases hundreds upon hundreds of thousands of dollars were imposed upon the contractor. But that not only required the addition, but it required long delay. The contractor had undertaken to do something he could do in three months or six months, and suddenly he was called upon by the Government to do something that was to take him nine months or fifteen months, or two years. In that period the cost of material and labor enormously increased.

By reason of the subtraction from the industries of this country of from half a million to a million men there was not only an increased demand and a diminished supply of labor, but the price of material went up, and the price of gold went up from 100 to 250, and at one time it nearly touched 300. So it cost the contractors twofold or threefold what they had contracted for to carry out their original contracts, and that they never had any pay for.

You will always find gentlemen out of Congress, if not in either House of Congress, whenever a contractor makes a claim against the Government, to guess and imagine that there is something very wicked, and it gets stayed off and stayed off, and after it has been delayed a few years then they say: "Oh, it is an old claim. Here is a claim twenty or fifteen or ten years old, and of course you can not say that it must be paid."

Mr. President, the first knowledge I ever had of these matters was in the Committee on Claims, which was the first committee I went on in this body in 1877. I will state the case, if I am not mistaken in my recollection, and perhaps my honorable friend from Missouri [Mr. COCKRELL] will correct me if I am, because he was on that committee at the time. It was a case of a Missourian. Was Chouteau the name?

Mr. COCKRELL. Chouteau, Harrison & Vallé.

Mr. HOAR. Very well. I had not a particle of interest in it or concern about it or knowledge of the people, except a desire to do justice in the matter. I made the report, if I am not mistaken. I may have got the wrong case, but I am stating in general what happened about some case.

The report was made and it met and ran the gantlet of inquiries and objections. It was a great deal harder to get those things through at that time than it is now. I believe on full discussion, every Senator on both sides of the Chamber was satisfied with the absolute justice of that claim, and it went through and was paid.

Mr. COCKRELL. No; it never has been paid.

Mr. HOAR. Well, I thought it was paid.

Mr. COCKRELL. No.

Mr. HOAR. Then I have got the wrong claim. At any rate, it went through the Senate.

Mr. COCKRELL. I think so.

Mr. HOAR. That is enough for my purpose.

Mr. WARREN. The Chouteau claim passed the Senate and met with a veto elsewhere, because of the size of the bill of which the Chouteau claim was a part.

Mr. HOAR. It did get through the Houses, and was vetoed; but that is immaterial. I am speaking of the whole matter. The substance of it is that that claim was admitted to be just by every member of this body, as I now recollect. There have been other claims like it reported and discussed, and I have no recollection of one against which there has ever been cast a vote in this body on the merits. If there be one, I do not remember it, and I probably never knew it at the time.

There have been objections to paying these large claims by gentlemen who were managing the public expenditures and did not want to increase the showing of the total appropriations, and there have been objections started and abandoned from imperfect knowledge; but I think to refuse the payment is just as disrepu-

table to a great and rich government, and it would be just as disreputable to a small and poor government, as it would be for me or you, Mr. Chairman, to refuse to pay the carpenter who builds our house. The fact that these men came to the aid of the Government in the time of its extremity makes the case all the stronger. A few of the claims—a good many of them, I dare say—got through singly, but some of them are still unpaid.

Then, in order that we might put an end to the discussion of these details over and over again, the matter was sent to the Selfridge board, a board composed of old naval officers of high standing and character. I can not state myself from recollection, but the Senator from Wyoming will state whether the board was unanimous in its finding.

Mr. WARREN. It was.

Mr. HOAR. It was unanimous in its finding.

Now, is it possible for the United States to make a contract? Is it possible for the United States to owe anybody a dollar honestly and fairly? And if it be possible, I will not ask the question whether under those circumstances it is possible for this Government to refuse to pay it.

Mr. DANIEL. I think I heard the Senator from Wyoming, who has charge of the bill, state that the *Monitor* sank the *Merrimac*. That statement is against all the history I have read on the subject.

Mr. WARREN. If I am mistaken I will correct it.

Mr. DANIEL. That is a mistake. The *Monitor* never sank the *Merrimac*.

Mr. WARREN. Technically, the Senator from Virginia is right, but the *Monitor* practically destroyed the *Merrimac*.

Mr. COCKRELL. Mr. President, there has been much controversy over the claims known as the Selfridge claims. I have not recently had the time and the opportunity to make a thorough examination of their history in Congress or in the departments. I will only state now what I understand to be the grounds of the objections that are now urged to them. I want it put in the RECORD, so that hereafter the Committee on Claims may investigate the correctness of these charges.

Contracts were made during the war, just as stated by the distinguished Senator from Massachusetts [Mr. HOAR], with provision for changes and alterations in them, and changes and alterations were made. The time of completion was delayed, and the Navy Department paid what they considered a reasonable cost of the changes that were made.

In 1865, I think it was, a resolution was passed by the Senate, a single resolution only of the Senate—not a law—authorizing the Secretary of the Navy to appoint, or authorizing the appointment of, what has since been known as the Selfridge board. That board made an examination and a report specifying the amounts that they found; and thereupon in subsequent Congresses application was made for the payment of the awards made by that board.

I can not state with accuracy the Congress in which it occurred, but in a subsequent Congress there was very full and lengthy discussion of the Selfridge board claims. The result of that discussion was the enactment of a law creating what has since been known as the Marchand board. The Marchand board made their report, and a law was enacted making appropriations to pay certain amounts to the contractors, to be received in full payment and discharge of their obligations, and the payments were accordingly made.

As a matter of course the record will show this, and the law enacted will show it. I have not had time to hunt it up and make a reference to it. I am only stating what I understand to be the objections now urged against these claims. The amount the Marchand board allowed or that was appropriated under it was much less than the amount under the Selfridge board.

Mr. WARREN. Mr. President, may I interrupt the Senator?

Mr. COCKRELL. Certainly.

Mr. WARREN. The Senator is stating correctly certain of the incidents, but I think he overlooks the fact that the Selfridge board claims we are proposing to pay did not as a rule go before the Marchand board.

The Marchand board, as the Senator says, was a later board and took up the vessels that were not finished at the time the Selfridge board made their findings, so that but few of the whole number of Selfridge board claims went before the Marchand board.

Mr. COCKRELL. Some of them were before it.

Mr. WARREN. Some of them were before the Marchand board. They brought in altogether allowed claims to the amount of about two hundred and odd thousand dollars due on certain vessels. To be exact the amount was \$187,475.56.

As the Senator says, there was full discussion in the House and Senate following that report. There were all kinds of propositions. Some members of the House and Senators felt that the

amount of Marchand board findings even ought to be cut down. One proposition for a cut of 87½ per cent or down to an allowance of 12½ per cent was made on this floor, I think.

But I call the Senator's attention to the fact that a number of claimants for whom the Marchand board found amounts due were not willing to rest their cases there, but took them to the Court of Claims, and I think in every case the judgment found was for a larger amount than the Marchand board had found. In two cases that I noted particularly, where claims were before both boards, a great deal larger sum was awarded by the court than either the Selfridge or Marchand board had accorded.

For instance, this morning, in looking over the reports, I noticed the case of the boat *Manayunk*, that was before both boards, where the finding was \$71,569.42 by the Selfridge board and Marchand found nothing. The court awarded \$91,072, an increase of nearly \$20,000.

In another case, where \$36,533.44 was found due, the court gave the claimant \$127,077—over three times as much as the Selfridge board finding and after the Marchand board found nothing.

The Marchand board was a different and we may say a more restricted board, and followed different instructions. Instead of taking into consideration all the circumstances and computing all the expenses, including the rise of material and the rise of labor, it was to consider only what was found due the contractors under the specific terms of their contracts. Now, a contract would read, we will say, \$75,000 for a piece of work. It would state that any additions made by the Navy Department should be at the same expense relatively as to labor and material.

Mr. COCKRELL. At the same ratio of cost.

Mr. WARREN. Yes. Now, these changes, such as were extraordinary and which were made from time to time, and in which the Government asked delay in order to perfect its plans, etc., carried the work along until, as the Senator from Massachusetts says, the material and labor had risen to two and three times as much, or anyway from 150 to 200 per cent higher. All that came up before the Selfridge board for its consideration. The Marchand board sat with closed doors and considered the contract and the papers alone, without taking testimony or reviewing any of the evidence as to the extra work occasioned by the extraordinary demands of the Government because of unprecedented circumstances and surroundings.

Mr. COCKRELL. I was not certain as to the particular claims that the Marchand board acted upon. I supposed they acted upon all the Selfridge board claims.

Mr. WARREN. No; only a part of them.

Mr. COCKRELL. As I understand, in your bill you have claims—or you ought to have—that were not in the Selfridge board award?

Mr. WARREN. I will say to the Senator that those are still in the bill. They are references to the Court of Claims for settlement. They are cases where the Selfridge board did not find, or where the claims escaped the attention of both boards, or where the boards found an amount unsatisfactory to the contractor.

Mr. COCKRELL. The Senator from Massachusetts spoke about the rise in the price of gold. Under the reference of these claims the question would not be open to the Court of Claims to decide whether these gentlemen should get the difference between legal-tender money and gold.

Mr. WARREN. I think the Senator from Massachusetts hardly meant that. I think that the rise in gold would be represented perhaps in the rise of material and labor. I do not understand that the court takes up as a matter of fact the price of gold from day to day, but it does take up the price of commodities that go into the construction of vessels.

Mr. COCKRELL. I only wanted to say that if they were to be taken into account it would open Pandora's box, not only as to one of them, but all of them.

Mr. WARREN. That is right.

Mr. COCKRELL. It would involve this Government in extra appropriations for another century.

Mr. President, I simply wanted to state the ground of criticism of these claims, so that in the future the question might be carefully examined, and if they come up again that we may have an historical account of them, and that there may be no doubt about the facts in the case.

Mr. WARREN. In reply to that particular side of the controversy, there is no doubt that they will come up.

Mr. COCKRELL. I have no doubt of that.

Mr. WARREN. There is no doubt that we shall have to again consider them and that all of us have much to learn concerning these claims. While I acknowledge that what the Senator says is true, it seems to me that the real cause of the objection is that the House members acknowledge, many of them, that they do not know anything about the claims, and as they involve a large amount, the members are against them. The speeches on the other side will show that the opposition to these claims does not come principally from men who claim to have studied them and who are acquainted with all the facts. The objection comes either from the fact that they do not know about them themselves, or from misinformation gathered from irresponsible sources.

The RECORD includes speeches made in the House by members who inserted what purports to be historical material, but an examination divulges that the alleged history has been presented in another form about the Capitol in a fly-leaf publication that has been gratuitously distributed and from which members have seemed to quote. The free dodger referred to is remarkable in that it is not true in what it does say and is also remarkable in that it leaves out that which is true.

Now, as to the findings of these different boards. I can not say that there have not been two or three successive Congresses when they were not appropriated for, but I think not. I think in the more than thirty years last past nearly every Congress has appropriated something somewhere on these different boat claims, either to pay a claim directly or to send some of the claims to the Court of Claims.

Mr. COCKRELL. I wish to suggest to the Senator from Wyoming that I think there ought to be some of these old documents reprinted. The reports of both the Selfridge board and the Marchand board ought to be reprinted, and there ought to be a reprint of any of those documents which are not accessible, because we must go by the record of what has been done. As soon as I find out which of the reports are not accessible I shall introduce a resolution to have them reprinted for the benefit of the Senate so that we may have the facts and not indulge in speculation about it.

Mr. WARREN. I think the Senator from Missouri is quite right in the matter. Following his suggestions, I will insert at this point some tables which I have prepared.

Selfridge board findings heretofore paid.

Name of boat.	Name of contractor.	Amount found by Selfridge board.	Amount found by Marchand board.	Amount paid since.	How paid.	Date of act.	Where found.	Being the amount found by—
Fortune, Speedwell, Standish, Mayflower, Camanche	James Tetlow	Not before.	Not before.	\$86,400.00	Congress	Feb. 28, 1867	14 Stats., 625	Congress.
Mackinaw	Donahue, Ryan & Secor.	\$179,933.80	Not before.	179,000.00	do	Mar. 30, 1867	15 Stats., 353	Selfridge board.
Manhattan, Tecumseh, Mahopac.	Poole & Hunt	44,015.84	\$3,694.81	3,694.81	do	July 13, 1868	15 Stats., 379	Marchand board.
Manayunk	Z. & F. Secor, W. Perine & Z. F. Secor.	348,061.71	115,539.01	208,655.91	Cong., \$115,539.01 Sec. Nav., \$93,116.90	do Jan. 1-6, 1870	do H. Mis. Doc., Vol. 4:1871-72, p. 8.	do Boggs board.
Naubuc	Snowden & Mason	71,569.42	Nothing found.	91,072.00	Congress	Aug. 23, 1894	28 Stats., 450	Court of Claims.
Agawam, Pontoosuc (hulls).	William Perine	36,533.44	do	127,077.00	do	June 8, 1896	29 Stats., 335	do.
Agawam, Pontoosuc (machinery).	G. W. Lawrence	17,221.54	do	13,777.24	do	Mar. 3, 1899	30 Stats., 1205	Selfridge board.
Otsego	Portland Locomotive Co.	80,887.46	Not before.	64,693.97	do	do	do	do.
Onondaga	Fulton Works	22,386.61	do	22,386.61	do	do	do	do.
Muscocota	G. W. Quintard	85,203.91	do	68,163.13	do	do	do	do.
	T. F. Rowland	82,460.95	Nothing found.	57,252.00	do	do	do	do.

The following are Selfridge board findings for which bills are now before Congress and which have not been paid:

DOUBLE-ENDERS, WOODEN HULLS.

Name of boat.	Name of contractor.	Amount found.
Iosco ^a	Larrabee & Allen	\$11,708.97
Massasoit ^a	Curtis & Tilden	4,128.39
Oseola ^a	do	4,128.39
Chickopee ^a	Paul Curtis	4,128.39
Mattabesett ^a	A. & G. S. Sampson	4,015.38
Metacomet ^a	Thomas Stack & Co.	16,351.36
Mingoe ^a	D. S. Mershon	11,500.00
Eutaw ^a	J. J. Abrahams	12,576.10
Pontiac ^b	Hillman & Streaker	5,041.22

WOODEN DOUBLE-ENDERS, MACHINERY.

Iosco ^b	Globe Works	\$29,789.00
Massasoit ^b	do	29,788.99
Mattabesett ^a	Allaire Works	25,119.07
Shamrock ^b	do	25,119.06
Chickopee ^a	Neptune Works	20,331.81
Tallapoosa ^b	do	20,331.80
Ascotney ^b	Morgan Works	25,826.34
Chenango ^a	do	25,826.33
Metacomet ^b	South Brooklyn Works	30,617.35
Mendota ^b	do	30,617.35
Lenapee ^a	Washington Works	29,161.24
Mingoe ^b	Pusey, Jones & Co.	5,817.28
Wyalusing ^b	do	5,817.37

WOODEN DOUBLE-ENDERS, MACHINERY—continued.

Name of boat.	Name of contractor.	Amount found.
Pontiac ^b	Neale & Levy	\$22,434.50
Mackinaw ^b	Poole & Hunt	44,015.84
Oseola ^a	Atlantic Works	20,513.73
Sassacus ^b	do	20,513.73
Peoria ^b	Etna Works	61,752.51

IRON DOUBLE-ENDERS, HULL AND MACHINERY.

Suwanee ^b	Reaney, Son & Archbold	\$28,974.18
Wateree ^b	do	34,161.63
Shamokin ^b	do	33,962.97
Mohongo ^a	Zeno, Secor & Co.	113,543.73
Winnipeg ^a	Harrison Loring	63,715.41

IRONCLAD, MACHINERY.

Miantonomoh ^a	Novelty Works	\$35,832.04
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IRON TUGBOATS, HULL AND MACHINERY.

Pilgrim ^a	Pusey, Jones & Co.	\$4,793.38
Triana ^b	William Perine	52,472.81
Maria ^b	do	43,596.98

^a Also before Marchand board.

^b Not before Marchand board.

Marchand board findings heretofore paid.

Name of boat.	Name of contractor.	Amount found by Marchand board.	Amount found by Selfridge board.	Amount paid since.	How paid.	Date of act.	Where found.	Being the amount found by—
Canonicus	Harrison Loring	\$38,513.00	Not before board.	\$38,513.00	Congress	July 13, 1868	15 Stats., 379	Marchand board.
Casco	Atlantic Works	4,852.58	do	4,852.58	do	do	do	Do.
Chimo	Aquila Adams	4,852.58	do	4,852.58	do	do	do	Do.
Cohoes	M. F. Merritt	4,852.58	do	4,852.58	do	do	do	Do.
Sandusky, Marietta	Tomlinson, Hartup & Co.	15,171.00	do	15,171.00	do	do	do	Do.
Mackinaw	Poole & Hunt	3,694.81	44,015.84	3,694.81	do	do	do	Do.
Saugus	Harlan & Hollingsworth Co.	Not before.	Not before board.	38,513.00	do	do	do	Congress.
Manhattan, Tecumseh, Mahopac.	Z. and F. Secor, W. Perine, and Z. F. Secor.	115,539.01	348,051.71	208,655.91	Cong., \$115,539.01 Secretary Navy, \$33,116.50.	Jan. 1-6, 1870	H. Mis. Doc., vol. 4, 1871-72, p. 8.	Do. Boggs board.
Keokuk	Charles W. Whitney	Before, but not considered.	Not before board.	73,310.75	Congress	June 1-10, 1872	17 Stats., 671 and 691.	Congress.
Shiloh	George C. Bestov	Nothing found.	do	125,000.00	do	Feb. 18, 1873	17 Stats., 733	Do.
Cimmarron	Daniel S. Mershon, jr.	Before, but not considered.	do	46,715.08	do	Mar. 2, 1875	18 Stats., 635	Do.
Tippecanoe	Miles Greenwood	Nothing found.	do	76,730.00	Court of Claims	Dec., 1873	14 Ct. of Cls. R., 597.	Court of Claims.
Squando	McKay & Aldus	do	do	115,157.00	Congress	July 28, 1892	27 Stats., 307	Do.
Umpqua	Snowden & Mason	do	do	118,827.00	do	Mar. 3, 1893	27 Stats., 677	Do.
Manayunk	do	do	71,569.42	91,072.00	do	Aug. 23, 1894	28 Stats., 450	Do.
Nauset	Donald McKay	do	Not before board.	101,529.73	do	Mar. 2, 1895	28 Stats., 863	Do.
Wassac	George W. Lawrence	do	do	99,522.32	do	July 19, 1879	30 Stats., 141	Congress.
Agawan, Pontoosuc (hulls).	do	do	17,221.54	13,777.24	do	Mar. 3, 1899	30 Stats., 1205	Selfridge board.
Muscootah	T. F. Rowland	do	82,460.95	57,252.00	do	do	do	Do.
Ashuelot	Donald McKay	do	Not before board.	11,551.08	Court of Claims	Mar. 13, 1899	S. Doc. 9, Fifty-sixth, first sess.	Court of Claims.

The Marchand board also considered some other claims, not finding amounts due, and upon which payments have not been made. So I do not enumerate.

It will be observed that the name of a vessel sometimes appears in one board for claim on hull and in the other board for claim on machinery. The first being finished in time went to the first board, and the balance not finished in time went to the second board.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the conference report. The report was agreed to.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. Mr. President, it was the intention that the Senator from Michigan [Mr. BURROWS] should follow the Senator from Iowa [Mr. DOLLIVER] to-day, but owing to affliction in his family he has been unable to be in the Senate to speak this afternoon. The understanding was that the opponents of the bill would be ready to go on upon Tuesday. I was in hopes that perhaps some one would be ready to go on this afternoon. The understanding was that they would be ready to go on upon Tuesday

and that the Senator from Michigan and the Senator from Iowa would fill the day to-day. I ask the Senator from Idaho whether anyone is ready to go on. Of course I should be glad to have the time occupied to-day by debate on the bill.

Mr. DUBOIS. I will state to the Senator from Massachusetts that we had made our arrangements to go on to-morrow, understanding that to-day would be occupied by the Senators from Iowa and Michigan. I have inquired and the arrangements have been perfected. All the days are taken up until the debate is closed, so far as I know, and those on this side who are to speak have arranged the time when they will speak.

Mr. HALE. This week?

Mr. DUBOIS. This week, commencing to-morrow morning. As the Senator from Massachusetts knows, it is quite difficult to arrange a programme of speakers. We have been devoting considerable time to it and have the programme arranged, with the understanding, however, that we were to commence to-morrow.

Mr. LODGE. Of course, it was understood that the opposition to the bill would go on upon Tuesday. I have no right to expect or to press them to go on this afternoon. As one of our speakers on our side has dropped out I will ask that the unfinished business be informally laid aside, and that the Senate proceed to the consideration of the Calendar.

Mr. DUBOIS. As the Senator from Massachusetts knows, I am quite anxious for an executive session, and if it will not in-

convenience anyone, will it not be well for the Senate this afternoon to have an executive session?

Mr. LODGE. I will move for an executive session presently; but first I should like to call up for consideration a bill on the Calendar.

Mr. DUBOIS. Very well.

GOVERNORS ISLAND, BOSTON HARBOR.

Mr. LODGE. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 113) authorizing the use and improvement of Governors Island, Boston Harbor.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. LODGE. I move to amend in line 4, after the name "Massachusetts," by striking out "through its mayor," and in line 11, after the word "by," by striking out the word "him," and inserting, "the Secretary of War."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 4, after the name "Massachusetts," it is proposed to strike out "through its mayor," and in line 11, after the words "approved by," to strike out "him," and insert "the Secretary of War;" so as to make the joint resolution read:

Resolved, etc., That the Secretary of War is hereby authorized to permit the city of Boston, in the State of Massachusetts, to improve and beautify Governors Island, or a portion thereof, situated in said city and belonging to the United States, in connection with mooring berths to be built adjoining said island, and to make such excavations and fillings and erect and maintain such structures as may be considered proper for the purpose; all upon plans to be previously approved by the Secretary of War: Provided, That the permission given pursuant to this resolution shall not pass any right or title in said island, but shall be revocable at will by the Secretary of War, and the ownership of said island shall remain entirely in the United States, and it shall be subject to such uses for military or other purposes as the Secretary of War may at any time direct.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

OLE STEENSLAND.

Mr. FOSTER of Washington submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10782) granting a pension to Ole Steensland, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendment.

A. G. FOSTER,
J. C. PRITCHARD,
JAMES P. TALIAFERRO,
Managers on the part of the Senate.
HENRY R. GIBSON,
W. A. CALDERHEAD,
ROBERT W. MILLS,
Managers on the part of the House.

The report was agreed to.

MORGAN MEMORIAL ASSOCIATION OF WINCHESTER, VA.

Mr. MARTIN. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 173) authorizing the Secretary of War to loan to the Morgan Memorial Association of Winchester, Va., certain Revolutionary trophies at Allegheny Arsenal, Pittsburg, Pa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Military Affairs with an amendment, in line 9, after the name "Morgan," to insert "in such manner that their safety from unlawful removal will be assured and their return if called for by Congress;" so as to make the joint resolution read:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to loan to the Morgan Memorial Association, Winchester, Va., the two 24-pounder boat howitzers, English (bronze), without carriages, relics of the Revolutionary war, now at the Allegheny Arsenal, Pittsburg, Pa., to be placed at the grave of Gen. Daniel Morgan in such manner that their safety from unlawful removal will be assured and their return if called for by Congress.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened, and (at 8 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 20, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 19, 1902.

UNITED STATES ATTORNEY.

Patrick H. Rourke, of North Dakota, to be United States attorney for the district of North Dakota. A reappointment, his term having expired May 8, 1902.

APPOINTMENTS IN THE ARMY—GENERAL OFFICERS.

To be brigadier-generals.

Col. Abram A. Harbach, First Infantry, May 16, 1902, vice Snyder, retired from active service.

Col. William F. Spurgin, Fourth Infantry, May 16, 1902, vice Auman, retired from active service.

SECRETARY OF LEGATION.

Jacob Sleeper, of Massachusetts, to be secretary of the legation of the United States at Habana, Cuba, to fill an original vacancy.

COLLECTOR OF CUSTOMS.

Henry T. Dunn, of Georgia, to be collector of customs for the district of Brunswick, in the State of Georgia. (Reappointment.)

POSTMASTERS.

Mellie B. Towne, to be postmaster at Orange, in the county of Orange and State of California, in place of Mellie B. Towne. Incumbent's commission expired May 11, 1902.

William M. Tisdale, to be postmaster at Redlands, in the county of San Bernardino and State of California, in place of Halsey W. Allen. Incumbent's commission expired May 16, 1902.

Isaac L. Trowbridge, to be postmaster at Naugatuck, in the county of New Haven and State of Connecticut, in place of Isaac L. Trowbridge. Incumbent's commission expired May 4, 1902.

James H. Maull, to be postmaster at Georgetown, in the county of Sussex and State of Delaware, in place of James H. Maull. Incumbent's commission expired May 5, 1902.

George J. Castle, to be postmaster at Carlinville, in the county of Macoupin and State of Illinois, in place of George J. Castle. Incumbent's commission expired May 4, 1902.

Levi W. Davison, to be postmaster at Earlville, in the county of LaSalle and State of Illinois, in place of Levi W. Davison. Incumbent's commission expired May 4, 1902.

James F. M. Greene, to be postmaster at Hillsboro, in the county of Montgomery and State of Illinois, in place of Benjamin F. Boyd. Incumbent's commission expired June 23, 1901.

Daniel E. Keen, to be postmaster at Mount Carmel, in the county of Wabash and State of Illinois, in place of Daniel E. Keen. Incumbent's commission expired January 21, 1902.

William A. Hutchinson, to be postmaster at Oak Park, in the county of Cook and State of Illinois, in place of William A. Hutchinson. Incumbent's commission expired May 4, 1902.

J. W. Stauffer, to be postmaster at Pittsfield, in the county of Pike and State of Illinois, in place of Hugh D. L. Grigsby. Incumbent's commission expired January 10, 1902.

John Culbertson, to be postmaster at Sumner, in the county of Lawrence and State of Illinois, in place of John Culbertson. Incumbent's commission expired January 10, 1902.

Alonzo C. Sluss, to be postmaster at Tuscola, in the county of Douglas and State of Illinois, in place of Alonzo C. Sluss. Incumbent's commission expires May 24, 1902.

Albert Britton, to be postmaster at Decatur, in the county of Adams and State of Indiana, in place of Philip L. Andrews. Incumbent's commission expired January 19, 1902.

Thomas L. Green, to be postmaster at West Union, in the county of Fayette and State of Iowa, in place of Thomas L. Green. Incumbent's commission expired May 5, 1902.

William Stackpole, to be postmaster at Saco, in the county of York and State of Maine, in place of William Stackpole. Incumbent's commission expires May 28, 1902.

Newton H. Fogg, to be postmaster at Sanford, in the county of York and State of Maine, in place of Newton H. Fogg. Incumbent's commission expired May 4, 1902.

John W. Fitzgerald, to be postmaster at Grand Ledge, in the county of Eaton and State of Michigan, in place of John W. Fitzgerald. Incumbent's commission expired May 16, 1902.

William J. Richards, to be postmaster at Union City, in the county of Branch and State of Michigan, in place of William J. Richards. Incumbent's commission expires May 28, 1902.

Samuel A. Stacy, to be postmaster at Ord, in the county of Valley and State of Nebraska, in place of Samuel A. Stacy. Incumbent's commission expired May 16, 1902.

John H. Tower, to be postmaster at Sutton, in the county of Clay and State of Nebraska, in place of John H. Tower. Incumbent's commission expires May 24, 1902.

John P. Herrick, to be postmaster at Bolivar, in the county of Allegany and State of New York, in place of John P. Herrick. Incumbent's commission expired May 11, 1902.

Melvin E. Horner, to be postmaster at Belmont, in the county

of Allegany and State of New York, in place of Melvin E. Horner. Incumbent's commission expired May 11, 1902.

William J. Cornell, to be postmaster at Chautauqua, in the county of Chautauqua, and State of New York, in place of William J. Cornell. Incumbent's commission expired July 5, 1901.

Lewis C. O'Connor, to be postmaster at Geneseo, in the county of Livingston and State of New York, in place of Lewis C. O'Connor. Incumbent's commission expired May 6, 1902.

William N. Wallace, to be postmaster at Gowanda, in the county of Cattaraugus and State of New York, in place of William N. Wallace. Incumbent's commission expired May 11, 1902.

Elias H. Bird, to be postmaster at Plainfield, in the county of Union and State of New Jersey, in place of Elias H. Bird. Incumbent's commission expires May 28, 1902.

Clifford B. McCoy, to be postmaster at Coshocton, in the county of Coshocton and State of Ohio, in place of Clifford B. McCoy. Incumbent's commission expired April 15, 1901.

Joseph M. Ickes, to be postmaster at Newark, in the county of Licking and State of Ohio, in place of Joseph M. Ickes. Incumbent's commission expired March 30, 1902.

Eugene A. Deardorff, to be postmaster at New Philadelphia, in the county of Tuscarawas and State of Ohio, in place of Eugene A. Deardorff. Incumbent's commission expired April 15, 1901.

Delbert W. Wilmarth, to be postmaster at De Smet, in the county of Kingsbury and State of South Dakota, in place of Delbert W. Wilmarth. Incumbent's commission expired May 10, 1902.

Adele E. Barnes to be postmaster at Delavan, in the county of Walworth and State of Wisconsin, in place of Adele E. Barnes. Incumbent's commission expired March 31, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 19, 1902.

CONSULS-GENERAL.

Edward S. Bragg, of Wisconsin, to be consul-general of the United States at Habana, Cuba.

James H. Worman, of New York, to be consul-general of the United States at Munich, Bavaria, from July 1, 1902.

CONSUL.

William Martin, of New York, now consul at Ching Kiang, China, to be consul of the United States at Nanking, China, from July 1, 1902.

DISTRICT JUDGE.

Clarence Hale, of Portland, Me., to be United States district judge for the district of Maine.

UNITED STATES ATTORNEY.

Jesse A. Frye, of Washington, to be United States attorney for the district of Washington.

REGISTER OF THE LAND OFFICE.

Robert Barber, of Alabama, to be register of the land office at Montgomery, Ala.

RECEIVER OF PUBLIC MONEYS.

Jay M. Smith, of Minnesota, to be receiver of public moneys at Duluth, Minn.

SURVEYOR OF CUSTOMS.

James Jeffreys, of Tennessee, to be surveyor of customs for the port of Memphis, in the State of Tennessee.

COLLECTOR OF CUSTOMS.

Clarence G. Smithers, of Virginia, to be collector of customs for the district of Cherrystone, in the State of Virginia.

INDIAN AGENT.

Samuel W. Campbell, of Wisconsin, to be agent for the Indians of the La Pointe Agency, in Wisconsin, to take effect May 28, 1902.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

First Lieut. William H. Cushing, of New York, to be a captain in the Revenue-Cutter Service of the United States.

APPOINTMENT IN THE NAVY.

Gustavus R. Madden, a citizen of California, to be an assistant paymaster in the Navy.

PROMOTIONS IN THE NAVY.

Commander Edwin C. Pendleton, to be a captain in the Navy, from the 21st day of January, 1902.

Lieut. John A. Dougherty, to be a lieutenant-commander in the Navy, from the 21st day of January, 1902.

Lieut. (junior grade) Emory Winship, to be a lieutenant in the Navy, from the 21st day of January, 1902.

Lieut. James M. Pickrell, to be a lieutenant-commander in the Navy, from the 5th day of April, 1902.

Lieut. (junior grade) George L. P. Stone, to be a lieutenant in the Navy, from the 5th day of April, 1902.

Commander James M. Miller, to be captain in the Navy, from the 29th day of April, 1902.

Lieut. Edward H. Scribner, to be a lieutenant-commander in the Navy, from the 27th day of December, 1901.

Pay Inspector William J. Thomson, to be pay director in the Navy, from the 29th day of March, 1902.

Asst. Surg. James G. Field (retired), to be a surgeon in the Navy, on the active list, with the rank of lieutenant, not in line of promotion, in accordance with the provisions of an act of Congress (Private No. 579) approved May 1, 1902.

Lieut. John B. Bernadou, to be a lieutenant-commander in the Navy, from the 9th day of February, 1902.

Lieut. (Junior Grade) Charles S. Bookwalter, to be a lieutenant in the Navy, from the 9th day of February, 1902.

Lieut. (Junior Grade) Walter S. Turpin, to be a lieutenant in the Navy, from the 16th day of March, 1902.

Assistant Paymaster Charles W. Penrose, to be a passed assistant paymaster in the Navy, from the 23d day of December, 1900.

PROMOTION IN THE MARINE CORPS.

Second Lieut. Hugh L. Matthews, to be a first lieutenant in the Marine Corps.

POSTMASTERS.

Richard Waring, to be postmaster at Abilene, in the county of Dickinson and State of Kansas.

Willis H. Letts, to be postmaster at Columbus Junction, in the county of Louisa and State of Iowa.

Chester B. Claybaugh, to be postmaster at Toulon, in the county of Stark and State of Illinois.

George E. Swanson, to be postmaster at Woodhull, in the county of Henry and State of Illinois.

Robert A. Marks, to be postmaster at Oberlin, in the county of Decatur and State of Kansas.

Ewing Herbert, to be postmaster at Hiawatha, in the county of Brown and State of Kansas.

William H. Mackey, jr., to be postmaster at Junction City, in the county of Geary and State of Kansas.

Charles A. Crow, to be postmaster at Caruthersville, in the county of Pemiscot and State of Missouri.

Loomis K. Bishop, to be postmaster at Grand Rapids, in the county of Kent and State of Michigan.

James A. Tomlinson, to be postmaster at Harrodsburg, in the county of Mercer and State of Kentucky.

John G. Wallenmeier, jr., to be postmaster at Tonawanda, in the county of Erie and State of New York.

John R. Hays, to be postmaster at Norfolk, in the county of Madison and State of Nebraska.

Howard C. Miller, to be postmaster at Grand Island, in the county of Hall and State of Nebraska.

George T. Childs, to be postmaster at St. Albans, in the county of Franklin and State of Vermont.

John Bell, to be postmaster at Spearfish, in the county of Lawrence and State of South Dakota.

R. H. Armstrong, to be postmaster at Kaufman, in the county of Kaufman and State of Texas.

Robert B. Kreis, to be postmaster at Monticello, in the county of Wright and State of Minnesota.

Albert F. Hill, to be postmaster at Cando, in the county of Towner and State of North Dakota.

James B. Burnett, to be postmaster at Baton Rouge, in the parish of East Baton Rouge and State of Louisiana.

Henry O. Wilson, to be postmaster at Marshall, in the county of Harrison and State of Texas.

Everton W. Kennerly, to be postmaster at Giddings, in the county of Lee and State of Texas.

Stephen R. Kirby, to be postmaster at Hibbing, in the county of St. Louis and State of Minnesota.

James Buckley, to be postmaster at Petoskey, in the county of Emmet and State of Michigan.

Thomas S. Berg, to be postmaster at McIntosh, in the county of Polk and State of Minnesota.

James M. Sloan, to be postmaster at Navasota, in the county of Grimes and State of Texas.

Richard B. Harrison, to be postmaster at New Boston, in the county of Bowie and State of Texas.

Ellery C. Arnold, to be postmaster at Larimore, in the county of Grand Forks and State of North Dakota.

Frank B. Watson, to be postmaster at Three Rivers, in the county of St. Joseph and State of Michigan.

Henry H. Hartson, to be postmaster at Greenwood, in the county of Clark and State of Wisconsin.

John C. Freeman, to be postmaster at New London, in the county of Waupaca and State of Wisconsin.

Gains L. Burk, to be postmaster at Van Alstyne, in the county of Grayson and State of Texas.

John W. Magee, to be postmaster at Chico, in the county of Butte and State of California.

Holt F. Butt, jr., to be postmaster at Portsmouth, in the county of Norfolk and State of Virginia.

Thomas S. Chittenden, to be postmaster at Ripon, in the county of Fond du Lac and State of Wisconsin.

Loring W. Morgan, to be postmaster at Fullerton, in the county of Nance and State of Nebraska.

Henry E. Langevin, to be postmaster at Curtis, in the county of Frontier and State of Nebraska.

Albert C. Krog, to be postmaster at Washington, in the county of Franklin and State of Missouri.

Frank D. Reed, to be postmaster at Shelton, in the county of Buffalo and State of Nebraska.

George W. Smith, to be postmaster at Sweet Springs, in the county of Saline and State of Missouri.

Charles L. Harris, to be postmaster at Harrisonville, in the county of Cass and State of Missouri.

Lilian W. Thomas, to be postmaster at Sausalito, in the county of Marion and State of California.

James Porter Patton, to be postmaster at Monroe City, in the county of Monroe and State of Missouri.

Jackson Whiteman, to be postmaster at Marceline, in the county of Linn and State of Missouri.

Patrick J. O'Brien, to be postmaster at Durham, in the county of Durham and State of North Carolina.

Charles W. Buckley, to be postmaster at Montgomery, in the county of Montgomery and State of Alabama.

Thomas E. Campbell, to be postmaster at Jerome, in the county of Yavapai and Territory of Arizona.

REJECTION.

Executive nomination rejected by the Senate May 19, 1902.

REGISTER OF THE LAND OFFICE.

John F. Yost, of Rathdrum, Idaho, to be register of the land office at Coeur d'Alene, Idaho.

HOUSE OF REPRESENTATIVES.

MONDAY, May 19, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, Mr. McDERMOTT obtained leave of absence for two days, on account of important business.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill (H. R. 14046).

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. SHERMAN in the chair).

Mr. SHERMAN. When the committee rose on Saturday there was pending a point of order, raised by the gentleman from Alabama [Mr. UNDERWOOD], against the provision on page 62, contained in lines 15 to 19, inclusive.

Mr. UNDERWOOD. Mr. Chairman, I will not occupy the attention of the Chair but a few minutes in stating what I have to say in reference to this point of order. Unquestionably, if we considered nothing else but the rule in this matter, the Chair would be bound to hold that this provision is in contravention of the rule that prohibits new legislation on an appropriation bill, but from time to time that rule has had numerous holes punched in it. Now, the question is as to whether the Chair will maintain the rule or whether the Chair, reasoning from analogy, will hold that this comes within the line of precedents adopted in reference to the rule heretofore. That is the question.

Now, I admit that it has been held not to be in violation of the rule to build a new battle ship on an appropriation bill. I admit, if you are going to reason in a logical way, that this provision is no more new legislation than the building of a battle ship, but we all recognize that when the House decided that it was not in contravention of this rule to put a battle ship in a naval appropriation bill, the House committed an act of parliamentary revolution. There was no reason for this. The House, merely in order to build a new Navy in this way, committed an act of revolution and punched that hole in the rule. Later the House has held that it was not in contravention of the rule to build public buildings at the Naval Academy or at West

Point, and that was clearly a parliamentary revolution and a violation of the rules, but it became a precedent that has been adhered to since.

The nearest point in question to the present proposition is where the House once decided that it was in order to increase the seamen in the Navy on an appropriation bill, and I admit, Mr. Chairman, that it is very nearly in point with the proposition here to increase the number of officers in the Navy. But that was done by the House. All these innovations on the rule, Mr. Chairman, have been committed by revolutionary methods. The House has decided that these innovations should be made, that these holes should be punched in the rules. Now, I admit that the Chair can hold to a strict construction of this rule, or he may accept the precedents that have already been adopted and say that this is analogous to the precedents already made.

I know the Chair is familiar with these precedents, as familiar as I am or more so, and familiar with the rule, but my argument to the Chair in reference to this matter comes down as to whether it is wise for the Chair to take the position, for instance, that the House has heretofore held that it is not an innovation of the rule, when there is a change of law made that relates to the naval establishment on the ground that it is an extension of the naval establishment, of a work already in progress. I admit the Chair can take that position and reason from analogy, from the precedents already adopted, but what I say is this, that it will be a very dangerous precedent for the Chair to establish. Most of the innovations that have been made in reference to this rule have been made by the House itself and not by the chairman.

Mr. WHEELER. Mr. Chairman, will the gentleman permit an inquiry?

The CHAIRMAN. Does the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. WHEELER. Of course I recognize, Mr. Chairman, that the gentleman has a right to make a point of order as against this particular provision, but I would like to inquire if he makes it because he is opposed to the enactment of this portion of the bill?

Mr. UNDERWOOD. I would state to the gentleman from Kentucky that I am both opposed to this provision of the bill and also opposed to this means of legislation. Now, I will state to my friend from Kentucky that if the Chair rules this in order to increase the Navy by putting a provision in the naval bill and then establish a precedent for the future to hold that it would be in order to increase the Army by putting a provision of this kind on the Army bill, that the usual control that the House has held heretofore over an increase of the standing Army of this country or a decrease, for that matter, or over an increase of the Navy, would absolutely be gone. If the Chair holds that this provision of this bill is in order, then the committee of this House will have all the machinery, all the power of the naval appropriation bill, and that means of forcing legislation through the House to regulate the size of the standing Army in this country and of the naval establishment of this country.

And I say it will be an unsafe precedent. I say it is much safer for the country, much safer for the legislation before Congress, to hold the legislation in reference to the increase of the Army and the increase of the Navy to the old and usual method of bringing a bill in here for that purpose, with nothing else connected with it, and let it fight its own way through the House.

Mr. WHEELER. Will not the gentleman accomplish the end which he desires—that is, the registering of his protest against this character of legislation—by moving to strike out the paragraph?

Mr. UNDERWOOD. I will say to my friend that if it only rested in opposition to the paragraph, that would be true; but I think the increase of the naval establishment and of the number of naval officers in this bill is not nearly as dangerous either to the country or to the orderly legislation of this House as the establishment of a precedent that you may legislate in reference to the increase of the standing Army in this country on an appropriation bill.

Mr. WHEELER. Will the gentleman permit me to make one statement?

Mr. UNDERWOOD. Yes.

Mr. WHEELER. The country is confronted with this situation: We have not now enough junior officers properly to officer the vessels which are completed. Many of them are laid up because there are not enough junior officers, and in the course of the next three or four years, unless something is done to increase the junior-officer force of the American Navy, the majority of our vessels will have to rust at the stocks and can not go to sea.

While I realize the importance of the statement about an ill-considered and hasty increase of the Army and Navy, it does occur to me that, in view of the fact that the gentleman's Democratic colleagues on the committee, entertaining the same views as himself, have seen proper to waive those views in view of the urgent

necessity for an immediate increase of the Navy, he may consent to accomplish his purpose, the registering of his protest, by moving to strike out the paragraph.

Mr. UNDERWOOD. Let me say to my colleague that I have the highest respect for my colleagues on the committee, and I always follow the committee when I can; but of course we all recognize that a committee of this House is organized for the purpose of formulating legislation, but not for the purpose of expecting that the House shall accept absolutely their decisions. The committee give their views. We are expected to follow them if we believe they are right. We certainly ought to give due consideration to the views of the members of the committee, after they have carefully considered any matter; but if we adopt the proposition that we must surrender our individual views on any subject because a committee of our colleagues have reported it to the House, then the House might as well surrender its legislative functions.

Mr. WHEELER. This provision is not without precedent, unless I am incorrectly informed.

Mr. UNDERWOOD. As I stated to the Chair a moment ago, there is a hole punched in this rule, wherein it was once allowed to increase the number of seamen on an appropriation bill, but that is the only precedent that I know of.

Mr. MUDD. Mr. Chairman, may I interrupt the gentleman a minute?

Mr. UNDERWOOD. Yes.

Mr. MUDD. I should like to ask the gentleman a question. I am frank to say that my attention had not been called to that particular decision. I understand the gentleman to admit that there has been a decision of the Chair on a point of order made, that you can increase the number of seamen in the Navy on an appropriation bill.

Mr. UNDERWOOD. There is such a decision. In the Fifty-third Congress, on February 19, 1895, there was a provision inserted in the naval appropriation bill for the increase of the seamen of the Navy. A point of order was made against the provision by Mr. Sayers, of Texas, and Mr. O'Neil, of Massachusetts, who was the chairman at that time, held that the point of order was not well taken, because it was a continuation of an existing work or improvement. I admit that has been held, but the point that I am making is not that the Chair can not reason from analogy to this point, and can not find a reason for holding this in order, but I say that the reason that this rule was adopted was to maintain the orderly legislative procedure of this House.

If you hold that a committee can insert a provision of this kind, the House must hold in the future that any member on this floor can insert a provision of this kind; that when questions involving the Army or the Navy of the United States are under consideration, or the country is excited in reference to them, whenever an Army or a naval appropriation bill comes before this House in the future, if the Chair holds this in order, any member of this House can rise in his seat and force the House, so to speak, to take action with reference to increasing or decreasing the standing Army of the country or the Navy of the country. I admit that you can reason from analogy and reach the conclusion that this may be allowed to remain in the bill; but if you hold that this is not in violation of this rule—it being clearly in violation of the strict letter of the rule—then I say that you open the gates to very dangerous legislation in the future and adopt a dangerous precedent by which to guide this House.

I say, Mr. Chairman, that I believe it is the duty of the Chairman, notwithstanding the various violations of the rule, and of all Chairmen of this House, to hold that a provision that is offered to an appropriation bill must come on all fours with the propositions heretofore held to be in order in the House, and let the House make the hole in the rules; let the House commit the parliamentary revolution, but let the Chair sustain the orderly procedure of the House under the rule.

Mr. DAYTON. Mr. Chairman, I want to submit to the Chair that it has over and over again been held that the naval establishment is a public work and is to be considered as a whole. That establishment consists not alone of the material, not alone of the ships that we build, not alone of the navy-yards that we establish, not alone of the dry docks we construct, but of the personnel, which is composed of two great general divisions. First, the seamen, the enlisted men. Second, the officers that command those enlisted men. Now, this establishment, as I say, involves not alone the material, but this personnel. It has been held over and over again that the authorization of the construction of a new ship for the Navy is a part of this general work. It has been held that the buildings in the navy-yards are part of this work.

It was at one time held that the building of a dry dock was not a part of the work, but that decision was overruled; so that it is now the established rule that the construction of a dry dock is a part of this public work and can be authorized in an appropriation bill. It has been held that the increase of the enlisted men

and boys necessary to man the ships that are built under this general work establishing the naval establishment is in order. Now, by what reasoning, I submit, can it be held that a provision in this appropriation bill authorizing an increase of the officers is contrary to the rule? As the gentleman from Alabama has correctly stated, the decision made by Chairman O'Neil held that the authorization of seamen was a continuance of this public work. And I want the chairman's attention to the fact that this decision not only carries the weight of the chairman's opinion, but that it was appealed from to the House and sustained by an overwhelming majority of 143 to 37.

Now, Mr. Chairman, it may be argued that this is a provision relating to the education of the officers. I want to call the Chair's attention, in connection with that, to the fact that the Naval Academy is a part of this work established for the very purpose of educating the officers; that this Academy is as much a part of the naval establishment as any ship in the Navy. We have been authorized to build it up by all provisions that have heretofore been enacted into law with reference to it, without objection to it, too. It can not be insisted that while we can build the Naval Academy, we can not provide for its use in this way.

Mr. Chairman, under these circumstances I submit that the point of order is not well taken. These decisions are all here. I want to say to my friend from Alabama that I had hoped, however, that he would see his way clear to support a provision of this kind. I want to call his attention to the fact that this legislation has been substantially enacted for the Army already in a provision which I did not favor, authorizing Senators of the United States permanently to appoint cadets.

Mr. UNDERWOOD. As the committee seems to be in favor of the legislation, there is no trouble in reporting a bill in the proper way and bringing it up in the House. If the legislation is needed, they have ample opportunity to report it.

Mr. DAYTON. The gentleman very well understands that in appropriation bills these matters ought really to come, because they relate to the whole naval establishment.

Mr. UNDERWOOD. Well, I do not think there ought to be any such legislation on appropriation bills.

Mr. DAYTON. I submit, further, it would be a very problematical matter whether consideration could be obtained for this legislation this session under the rules of the House.

Mr. GAINES of Tennessee. I desire to ask the gentleman whether there is a statute fixing the number of cadets?

Mr. DAYTON. There is a statute providing for the appointment or designation of cadets by members of Congress.

Mr. GAINES of Tennessee. But what I want to know is whether there is a statute that fixes the number?

Mr. DAYTON. I do not think so. I am not sure, however.

Mr. LOUD. The law provides for one from each district.

Mr. DAYTON. Every four years each member of Congress may recommend a cadet, and the President has the appointment of a number of cadets.

Mr. LOUD. There is one to be appointed from each district.

Mr. DAYTON. And the President of the United States has the appointment of a number of cadets—

Mr. LOUD. That is a limited number.

Mr. DAYTON. And there are cadets from foreign countries who are educated in the Academy.

Mr. GAINES of Tennessee. Each member of Congress—from each district, of course—has the right to appoint a cadet; one cadet, but that limits the number, because they are only the number of members of the House. Now, I want to enlarge the Navy, and build that up; but I am a little bit afraid about your being able to do so in the way suggested here.

Mr. DAYTON. The number of seamen was fixed by law, and it has been held that we could change that number and increase it. The number of constructors and the number of Engineer Corps have been increased.

Mr. GAINES of Tennessee. Was the number fixed or limited by law?

Mr. DAYTON. Yes.

Mr. GAINES of Tennessee. When was that done?

Mr. DAYTON. It has been done. This bill increases the number of seamen, and the provision has been passed without objection.

Mr. GAINES of Tennessee. Did the law at that time limit the number?

Mr. DAYTON. Yes.

Mr. GAINES of Tennessee. Where is that decision?

Mr. DAYTON. The gentleman will find it in section 488 of Hinds's Parliamentary Precedents.

On February 19, 1895, the House was in Committee of the Whole House on the state of the Union considering the naval appropriation bill. Mr. Joseph D. Sayers, of Texas, had on the preceding day made a point of order on a provision of the bill providing that the Secretary of the Navy should be authorized to enlist "as many additional seamen as in his discretion he may deem necessary, not to exceed 2,000."

The number before that time had been fixed and he was authorized to enlist not to exceed 2,000 additional. A point of order was overruled by the chairman, and his decision was sustained by the House by a vote of 147 ayes to 37 noes. I do not care to read the whole decision, but the gentleman can examine it himself. I submit, Mr. Chairman, that the point of order is not well taken.

Mr. LOUD. Mr. Chairman, I would like to call the attention of the Chair to one or two points not yet touched upon. While I am perfectly aware that certain rulings have been made heretofore and certain things done on the naval bill, let us see what overruling the point of order in this case would lead to, in the extreme. If you can on an appropriation bill increase the number of cadets, which is specified now by statutory law, then upon an appropriation bill you could increase the number of admirals, notwithstanding the statute may prescribe that when the present admiral dies the office shall die with him. So if you can increase upon an appropriation bill—and I desire to impress particularly on the mind of the Chairman this point—if you can increase by one officer in the Navy, then you can increase the officers in the Navy unlimited. You could put upon this appropriation bill, if you please, 10 admirals, 50 vice-admirals. To be sure it is the extreme, but the House has rules to protect itself against the excitement of the times. The excitement of the times might impel the House to adopt measures on an appropriation bill where in its calm moments it would not. I hope the Chair, if he has not made up his mind, will see what overruling the point of order might lead to.

The CHAIRMAN. The Chair does not disagree with the gentleman from Alabama in his statement as to the duty of the Chair. The Chair does think that it is the duty of the Chairman to decide points of order as they appear and to disregard entirely his individual hopes and desires in reference to the subject-matter under consideration. And the present occupant of the Chair has always been so guided in deciding points of order. On more than one occasion he has been obliged to rule against his inclinations and desires. The Chair also thinks it is the duty of members of the committee and the House to sustain the Chair when they believe he is right. The Chair thinks there have been occasions when that has not been followed. [Laughter and applause.]

The ruling in reference to the construction of a battle ship is one which the present occupant of the chair has heretofore followed, although he did not originally make it, and is frank to say that, although he has great respect and regard for the gentleman who did make it, he doubts if he had been in the chair when the question arose if he would have made it. He has never been in sympathy with it. But that was a provision to increase the number of battle ships when the number was not specifically defined by statute. Likewise, so far as the Chair has been able to ascertain from a hurried reading and inspection of the statutes, there was no specific provision as to the number of seamen. Both of these questions, then, were decided upon the broader ground whether or not it was increasing the general naval establishment.

In the case now presented there is a statute, section 1513, which reads:

There shall be allowed at said Academy one cadet midshipman for every Member and Delegate of the House of Representatives, one for the District of Columbia, and ten appointed annually at large.

There is a specific, general statutory provision as to the number of cadets at the Naval Academy. The amendment to which the gentleman from Alabama has raised the point of order changes the number of cadets and changes existing law, which is clearly and unequivocally against the provision of the rule, section 2 of Rule XXI, which provides: "Nor shall any provision changing existing law be in order on any general appropriation bill." The Chair therefore sustains the point of order.

Mr. UNDERWOOD. Mr. Chairman, I desire to be recognized on a new point of order as to other lines on this same proposition.

The Clerk read as follows:

Each Senator and each Member and Delegate of the House of Representatives, according to the apportionment fixed by the act approved January 16, 1901, shall nominate 1 cadet and a sufficient number of alternates, and 24 cadets shall be appointed at large by the President.

Mr. UNDERWOOD. I make the same point of order against this paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Of the whole number of additional cadets hereby authorized 125 shall be appointed annually during the four years next succeeding the passage of this act.

Mr. UNDERWOOD. I make the same point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WATSON. Mr. Chairman, it seems to me that the remainder of page 63, together with the first two lines of page 64, might as well go out. It all has reference to the appointment of these cadets. I ask unanimous consent that we pass on and read the paragraph, beginning on page 64.

The CHAIRMAN. The gentleman from Indiana [Mr. WATSON]

asks unanimous consent to strike from the bill the balance of page 63 and the first two lines on page 64. Is there objection? The Chair hears none.

Mr. DAYTON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 12, page 62, insert the following:

"The title of naval cadet is hereby changed to midshipman."

The CHAIRMAN. The question is on agreeing to this amendment.

Mr. GAINES of Tennessee. Why does the gentleman want to change that title?

Mr. DAYTON. Simply because the title "midshipman" was formerly used, and when it was changed a number of years ago to "naval cadet" the change was made, I think, without consideration. This is simply a proposition to recur to the old title, which is historical. This proposition has been recommended by the President, has been asked for by practically all of the officers of the Navy, and by the Department. This motion will simply restore the old nomenclature.

Mr. GAINES of Tennessee. Is this a committee amendment?

Mr. DAYTON. It is agreed to by the committee.

Mr. GAINES of Tennessee. By all the committee?

Mr. DAYTON. All the members of the committee have agreed to it, so far as I know. I called the attention of many of them to it. I think the committee intended to agree to the amendment. It was discussed at one time in the committee, but afterwards, I believe, overlooked.

The question being taken, the amendment of Mr. DAYTON was agreed to.

Mr. WATSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

That sections 8 and 9 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and the Marine Corps of the United States," are hereby repealed.

Mr. UNDERWOOD. I reserve a point of order on that amendment. I should like to hear some explanation of it.

Mr. WATSON. Mr. Chairman, sections 8 and 9 of the act of March 3, 1899, provide first for the voluntary and next for the enforced retirement of certain officers of the Navy. Those sections were originally introduced in order to get rid of a superfluity of those officers. During the civil war a very large number of officers were engaged, and subsequently, because of the fact that the Navy was diminished in size, there was an excess of officers. Consequently, sections 8 and 9, referred to in the amendment, provided for the retirement of certain officers. It was found that young men entering the Navy as officers grew old before ever reaching the period when they could command.

This resulted from the congested condition of the Navy. It is the universal opinion that men should be intrusted with commands while they are yet young, while they are in the full vigor of physical and mental activity. Because of the congested condition of the Navy young officers, as I have said, became old before they could attain the position even of commander. Consequently sections 8 and 9 were enacted for the purpose of overcoming this congested condition. Section 8 provides for the voluntary retirement of officers; section 9 for their enforced retirement. Those sections are as follows:

SEC. 8. Officers of the line in the grades of captain, commander, and lieutenant-commander may, by official application to the Secretary of the Navy, have their names placed on a list which shall be known as the list of "Applicants for voluntary retirement," and when at the end of any fiscal year the average vacancies for the fiscal years subsequent to the passage of this act, above the grade of commander, have been less than 13; above the grade of lieutenant-commander, less than 20; above the grade of lieutenant, less than 29; and above the grade of lieutenant, junior grade, less than 40, the President may, in the order of the rank of the applicants, place a sufficient number on the retired list, with the rank and three-fourths the sea pay of the next higher grade, to cause the aforesaid vacancies for the fiscal year then being considered.

SEC. 9. That should it be found at the end of any fiscal year that the retirements pursuant to the provisions of law now in force, the voluntary retirements provided for in this act, and casualties are not sufficient to cause the average vacancies enumerated in section 8 of this act, the Secretary of the Navy shall, on or about the 1st day of June, convene a board of not less than three nor more than five rear-admirals, and shall place at its disposal the service and medical records on file in the Navy Department of all the officers in the grades of captain, commander, lieutenant-commander, and lieutenant. The board shall then select, as soon as practicable after the 1st day of July, a sufficient number of officers from the before-mentioned grades as constituted on the 30th day of June of that year, to cause the average vacancies enumerated in section 8 of this act.

Each member of said board shall swear, or affirm, that he will, without prejudice or partiality, and having in view solely the special fitness of officers and the efficiency of the naval service, perform the duties imposed upon him by this act. Its finding, which shall be in writing, signed by all the members, a majority governing, shall be transmitted to the President, who shall thereupon, by order, make the transfers of such officers to the retired list as are selected by the board: *Provided*, That not more than 5 captains, 4 commanders, 4 lieutenant-commanders, and 2 lieutenants are so retired in any one year. The promotions to fill the vacancies thus created shall date from the 18th day of June of the current year: *And provided further*, That any officer retired under the provisions of this section shall be retired with the rank and three-fourths the sea pay of the next higher grade.

Now, the condition which caused the enactment of those sections has passed away. Instead of having too many officers, we have not enough. It is desirable that these provisions of law, which practically put a premium on the retirement of officers at an age when they should be serving in the Navy instead of seeking retirement, should be repealed.

This measure was recommended by the Secretary of the Navy, both in his report and in the hearings before the committee, as well as on divers other occasions. I read from the hearings before the committee:

Mr. DAYTON. Does that apply to the civil war veterans?

Secretary LONG. No, sir. Clause No. 7 provides for voluntary retirement. If a man wants to get out, you give him a premium to go, and clause No. 8 refers to compulsory retirement, where if a man is so broken down that he can not do the work, you give him a premium for his inefficiency.

The CHAIRMAN. Now, you think that we ought to repeal those clauses?

Secretary LONG. Yes, sir.

I read the following from the report of the late Secretary of the Navy:

PROPOSED MODIFICATION OF LAWS RELATING TO THE PERSONNEL.

Referring to the act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States, approved March 3, 1899, I call your attention to sections 8 and 9, and recommend that the provision that officers retired under these sections shall be given the rank and three-fourths the sea pay of the next higher grade be so far modified that the retirement will be with the rank and three-fourths the sea pay of the grade held at the time of retirement. This modification is especially desirable in section 8, where the retirement is voluntary.

Section 8 offers a valuable and much-needed officer a premium to go on the retired list at the very time when the number of officers is far short of the number required by the needs of the service and when Congress is called upon for more. Section 9, on the other hand, gives a premium to the same end to an officer whose services are no longer of value, and who receives this premium when other officers equally deserving are retired with no such benefit. I never favored these sections.

Now, at a time when we are seeking to introduce new officers into the Navy; when there is no longer a congested condition; when we have not enough officers to command the ships we already have, saying nothing of new ships yet to be constructed, it occurs to me that this recommendation of the Secretary of the Navy should be complied with; and we ought to do away with this premium that the present law offers to officers to retire from the Navy at the very time when they should be most active in the service of their country.

Mr. UNDERWOOD. I would like to ask the gentleman from Indiana a question.

Mr. WATSON. Certainly.

Mr. UNDERWOOD. Has this question been considered in the Naval Committee?

Mr. WATSON. Well, I do not think it has been. I think I can answer that safely. If it was considered, it was at some meeting where I was not present.

Mr. UNDERWOOD. It is not acted on or recommended by the committee?

Mr. WATSON. I see the gentleman from Kentucky [Mr. WHEELER] is rising, and perhaps he can answer that question.

Mr. WHEELER. I will state that it is done for the purpose of preventing those who are able to discharge their duties as naval officers taking advantage of this provision, which puts a premium on their retirement.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

Mr. WATSON. Certainly.

Mr. FITZGERALD. This provision provides that if a man retires he retires to the next highest rank?

Mr. WATSON. Yes.

Mr. FITZGERALD. And if this provision be repealed, then he will retire under the law as it then exists. Will they have the same advantages?

Mr. WATSON. No, sir; this does not at all interfere with existing general law on the subject of retirement. It still obtains in all cases, of course. I want to say, further, to the gentleman that this simply restores the old law, that is all; but it does not enable officers to be retired at a grade higher than that held at the expiration of their terms of service.

Mr. FITZGERALD. I wish to ask the gentleman if, under the general law, when a man is retired by operation of it, he retires to a rank higher than the rank he holds in the Navy?

Mr. WATSON. Not under the general Navy law.

Mr. FITZGERALD. Then, those men who have been retired under this provision have been specially favored, have they not?

Mr. WATSON. But suppose it be wrong, would it justify the continuance of that wrong, simply because others have been favored in that respect? I do not believe, for one, that any officer should be retired, unless the circumstances are very peculiar, at a grade higher than that in which he is serving at the time of his retirement. Why should he be retired at a grade higher? He serves in the Navy for all these years; he has the pay of the Government for all these years, and he reaches a certain rank at the end of his service, and when he retires, according to my

opinion, he ought to be content to retire at the grade in which he is serving at the time of his retirement. I have never been an advocate of retiring at a grade higher in either the Army or the Navy.

Mr. VANDIVER. Mr. Chairman, I would like to ask the gentleman a question.

Mr. WATSON. Certainly.

Mr. VANDIVER. I fully agree with the statements made by the gentleman, and I heartily approve of all that he has said in that connection, but I would like to ask him to state further and more explicitly what effect on that part of the law the repeal of this section will have.

Mr. WATSON. It simply prevents its being done in the future; that is all.

Mr. HULL. It does not prevent those who served in the civil war getting a grade higher.

Mr. WATSON. No; that is separate proposition. It does not affect the civil-war veterans.

Mr. VANDIVER. Then I wish to say on the statement of the gentleman from Indiana, I think it is right, and ought to be repealed. I would have preferred to have had a chance to examine it a little more fully, however.

Mr. UNDERWOOD. I wish to say, Mr. Chairman, that I do not think there is any doubt about this being new legislation and the point of order lying against the proposition, but in view of the fact that we need all the officers we can get and the legislation sought by the gentleman from Indiana merely seeks to hold serviceable officers in line and not to increase any governmental expenditures but to require men already employed by the Government to do their duty, I shall not insist on the point of order, as far as I am concerned.

The CHAIRMAN. The gentleman withdraws his point of order.

Mr. HEPBURN. Mr. Chairman, I would like to ask the gentleman a question. Ought not this amendment to be still further amended so as to include section 10 of that act? That is the section that authorizes the retirement in the grade next above the one in which the officer is serving. I think that is an improper provision of law.

Mr. WATSON. Section 10 has reference to civil war veterans. It is not aimed to apply to them. We leave that, I will say to the gentleman from Iowa, simply because that is existing law with regard to the Army.

Mr. HULL. O, no; that is not. We are trying to get it that way, but have not been able to succeed.

Mr. WATSON. I understood that was the law with reference to the Army. I will state to the gentleman that is the reason I permitted that section to remain in.

Mr. HEPBURN. I understand the presence of that section is being urged before the Committee on Military Affairs on the part of a large number of officers of the Army, that they should have the same privilege. If we repeal this section now, which, in my judgment, never ought to have been enacted, we take away that argument and relieve my colleague, the chairman of the Committee on Military Affairs, from wrestling with that last proposition.

Mr. WATSON. I am very anxious to relieve the gentleman from Iowa [Mr. HULL].

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HEPBURN. Mr. Chairman, I offer that amendment to insert after the word "nine" the words "and ten."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "nine" in the amendment insert the words "and ten."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The Clerk read as follows:

PUBLIC WORKS—MARINE CORPS.

Barracks and quarters, Marine Corps: Construction of a fireproof marine barracks, navy-yard, Norfolk, Va., and necessary sewerage and grading, \$100,000; construction of a veranda on enlisted men's quarters, navy-yard, Pensacola, Fla., \$3,500; installation of an electric lighting plant, marine barracks, navy-yard, New York, N. Y., \$3,500; installation of electric lights, marine barracks, navy-yard, Portsmouth, N. H., \$1,000; construction of a marine barracks, naval training station, San Francisco, Cal., \$90,000; officers' quarters, Sitka, Alaska, erection of officers' quarters at Sitka, Alaska, \$2,500, and the unexpended appropriations of \$2,500 authorized in act of June 10, 1896, and \$1,000 authorized in act of June 7, 1900, respectively, are hereby re-appropriated for the erection of officers' quarters at Sitka, Alaska, \$2,500; for the erection of light frame buildings for the accommodation and protection of officers and enlisted men of the Marine Corps stationed on the island of Culebra, Porto Rico, \$5,000; in all, public works under Marine Corps, \$145,500.

Mr. FOSS. Mr. Chairman, I ask unanimous consent to publish in the RECORD a statement showing the numbers on shore duty. So many statements were made here the other day relative to the number of officers on shore duty that I think it is only just to the Navy that the exact statement should be published. This is an official statement which has just come in a few moments ago.

Table showing naval officers of line and staff corps and warrant officers employed at the different shore stations, as indicated.

Station.	Admiral.	Rear-admirals.	Captains.	Commanders.	Lieutenant-commanders.	Lieutenants.	Ensigns.	Medical directors. ^a	Medical inspectors.	Surgeons.	P. A. and A. surgeons.	Pay directors. ^a	Pay inspectors.	Paymasters.	P. A. and A. paymasters.	Chaplains.	Professors of mathematics. ^a	Naval constructors. ^a	Civil engineers. ^a	Warrant officers.	Total.
Navy Department	1	10	11	11	15	22	2	5	4	4	1	1	1	2	3	1	9	5	2	106	
Naval Academy	1	1	2	3	12	18	1	1	1	1	1	1	1	1	1	1	1	1	1	56	
Norfolk yard	1	1	2	3	7	7	1	1	1	1	1	1	1	1	1	1	1	1	1	34	
Port Royal station	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	5	
Key West station	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	5	
Pensacola yard	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	8	
San Francisco station	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	8	
Mare Island yard	1	1	1	4	4	1	1	1	1	1	1	1	1	1	1	1	1	1	1	29	
Puget Sound yard	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	11	
Portsmouth yard	1	1	2	3	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	22	
Boston yard	1	1	2	3	2	2	2	1	1	1	1	1	1	1	1	1	1	1	1	34	
War College	1	1	3	1	1	1	2	1	1	1	1	1	1	1	1	1	1	1	1	7	
New York yard	1	1	1	6	5	1	2	2	1	1	5	1	1	1	1	1	1	1	1	58	
League Island yard	1	1	1	3	1	1	2	1	1	1	1	1	1	1	1	1	1	1	1	25	
Naval Home	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	8	
Washington yard	1	1	1	1	1	5	4	1	1	1	1	1	1	1	1	1	1	1	1	30	
Proving ground, Indian Head	1	1	1	1	1	1	3	1	1	1	1	1	1	1	1	1	1	1	1	4	
Torpedo station, Newport	1	1	1	1	1	4	1	1	1	1	1	1	1	1	1	1	1	1	1	12	
Total	1	27	28	43	48	70	3	13	12	15	24	5	5	15	15	4	13	21	11	99	459

^a Not seagoing officers. Total, 67.

^b This includes line officers and staff officers of lower grades (not seagoing) temporarily ranking as rear-admirals while chiefs of bureaus.

H. C. TAYLOR,
Chief of Bureau of Navigation.

Mr. WHEELER. Who prepared it?

Mr. FOSS. It was prepared by the Bureau of Navigation. The other day the statement was made that there was a large number of officers at the Naval Academy. I think the number 58 was mentioned. Now, this statement gives 56, but it includes in that number 13 warrant officers, who are not graduates of the Naval Academy and are not commissioned officers. It also includes 1 civil engineer, and civil engineers do not go to sea. It also includes 5 naval constructors, and naval constructors do not go to sea; and also 4 professors of mathematics.

Mr. WHEELER. Will the gentleman allow me to ask him a question right there, please?

Mr. FOSS. Yes.

Mr. WHEELER. Why are there five naval constructors at Annapolis, and what are they doing?

Mr. FOSS. I am mistaken about constructors being there.

Mr. WHEELER. Well, I remember very distinctly that the Chief of the Bureau of Construction stated before the committee that he was very much in need of constructors.

Mr. FOSS. Yes. So that from this number of 56 should be deducted the 13 warrant officers, 1 civil engineer, and 4 professors of mathematics; in all, 18 officers. According to this statement there would be 38 commissioned line officers at the Naval Academy, instead of 58, as was stated here on the floor the other day.

Now, I may say upon this general subject of the duties of the naval officers that the committee believe the field for the Navy is out on the sea. They are in thorough sympathy with the sentiment of the House relative to doing everything possible to keep the naval officers, so to speak, upon the sea. But this must be said in defense of naval officers: Away back in 1882, before we started in to build up the present Navy, we had nearly as many officers as we have to-day. We had at that time, however, only 32 cruising vessels. The largest was the *Tennessee*, about one-third as large in tonnage as the great battle ships which we propose to authorize in this bill. By reason of the fact that we had few vessels the naval officers were for the most part on the shore; but as we have built ships year after year the naval officers have gradually gone from the shore to the sea. But you can not charge naval officers with being on shore for the last twenty years because they willed it. The American Congress is responsible in some measure, because they did not give these officers ships to officer. So I think this statement ought to be made in justice to the naval officers.

Now, the whole question of duty as to the naval officer is entirely within the discretion of the Secretary of the Navy. I read from the law of the Navy and the Marine Corps. On March 3, 1883, this act was passed:

Hereafter no officer of the Navy shall be employed on any shore duty except in cases especially provided by law, unless the Secretary of the Navy shall determine that the employment of an officer on such duty is required by the

public interest, and he shall so state in the order of employment, and also the duration of such service, beyond which time it shall not continue.

So this whole matter of whether the officers shall go to sea or not is entirely in the hands of the Secretary of the Navy. He is the man whom we should hold responsible for what is done under this law.

Now, I have inserted here in my report a statement received from the Navy Department showing that of 993 line officers—our present number, including the 124 cadets, who really are not line officers to-day, because they have not received their commissions—of that number 709 are performing sea duty or doing duty beyond seas—

Mr. WHEELER. What does the gentleman mean by that?

Mr. FOSS. And 272 are performing shore duty.

Mr. WHEELER. What do you mean by out on sea?

Mr. FOSS. Out on ships.

Mr. WHEELER. That includes officers on duty at the various navy-yards?

Mr. FOSS. No; out on board vessels and beyond the seas.

Now, you will see from this statement that this is a great improvement from the condition that existed five, ten, or fifteen years ago; and it is due entirely to the policy of the American Congress in building up the Navy and furnishing ships for those officers to officer and command.

Mr. RIXEY. Will the gentleman permit me to ask him a question?

Mr. FOSS. Yes.

Mr. RIXEY. Does the statement the gentleman has there show how many officers are in the navy-yards and how many of them are at the private shipbuilding yards?

Mr. FOSS. This statement will show the number of officers at the Navy Department and the Naval Academy, at the Norfolk Navy-Yard, Port Royal station, Key West yard, Pensacola yard, San Francisco station, Mare Island yard, Puget Sound yard, Portsmouth Navy-Yard, Boston Navy-Yard, the War College, New York Navy-Yard, League Island Navy-Yard, Washington Navy-Yard, etc.

Mr. RIXEY. I understand there are quite a number of officers at these great shipbuilding plants which have contracts for building battle ships and cruisers. I want to know if the gentleman's statement shows the number of officers at those places?

Mr. FOSS. Not altogether. It will show naval constructors. But they are not officers who go to sea. This is a statement of the officers who go to sea.

Mr. RIXEY. Constructors are officers of the Navy, as I understand.

Mr. FOSS. They are officers, but not seagoing officers.

Mr. RIXEY. Have you a statement showing how many constructors there are at those yards?

Mr. FOSS. I have no statement upon that.

Mr. VANDIVER. I should like to ask the gentleman a question in that connection. These constructors that you speak of are naval officers, are they not?

Mr. FOSS. Yes.

Mr. VANDIVER. And graduates of the Naval Academy?

Mr. FOSS. I was addressing myself to the number of officers at sea, doing sea duty, and the number on shore.

Mr. VANDIVER. I am very glad to have that statement published.

Mr. FOSS. Of course, the gentleman understands that there are a number of officers in the Navy, staff officers, who do not go to sea. Naval constructors do not go to sea.

Mr. VANDIVER. Why not?

Mr. FOSS. Because they have to do with the construction of ships on shore.

Mr. VANDIVER. I understand.

The CHAIRMAN. The gentleman will pardon the Chair a moment. The gentleman arose to ask unanimous consent. The Chair was waiting for him to finish his request, but it has developed into a discussion, and if continued it will have to be by unanimous consent. Shall the Chair ask unanimous consent for the gentleman to continue?

Mr. FOSS. I ask that my time may be extended for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman that his time be extended five minutes? [After a pause.] The Chair hears none.

Mr. VANDIVER. I was not disputing any point the gentleman makes, but I want him to be a little more explicit in the information that he gives to the House as to those officers who do not go to sea, and why?

Mr. FOSS. Well, now, I will take, for instance, medical directors. They are not seagoing officers. Pay directors, they are not seagoing officers.

Mr. VANDIVER. But they are not graduates of the Naval Academy.

Mr. FOSS. Oh, no.

Mr. VANDIVER. But constructors are.

Mr. FOSS. Yes. For instance, take pay directors. They are not seagoing officers. The professors of mathematics, they are not seagoing officers; naval constructors, they are not seagoing officers; civil engineers, they are not seagoing officers. So when you come to make up a statement of the number of men in the Navy who should go to sea—

Mr. VANDIVER. Well, of course, I can understand why civil engineers should not be included in that list and why the naval physicians or doctors should not be included, but I would like the gentleman to explain more fully why these officers who are not might not be.

Mr. FITZGERALD. I wish to ask the gentleman if the engineer corps are not line officers?

Mr. FOSS. They are, under the amalgamation.

Mr. FITZGERALD. Many of these officers are assigned to inspect the construction of the engineering portion of the vessels. Does your statement show the number of such officers detailed to that work?

Mr. FOSS. At what yard?

Mr. FITZGERALD. Say the Bath Iron Works, Newport News Shipbuilding Yard, the Union Iron Works, the Moran Brothers, Puget Sound, and any number of them.

Mr. FOSS. No; it does not state that.

Mr. VANDIVER. I would like to have the gentleman secure that information and put it in the RECORD.

Mr. FOSS. I will ask for it.

Mr. SMITH of Kentucky. I would like to ask the gentleman a question.

Mr. FOSS. Very well.

Mr. SMITH of Kentucky. I want to know how many of these naval officers there are and how many are seagoing naval officers. What is the total number of officers, and then what is the total number of seagoing officers?

Mr. FOSS. All of the line officers are seagoing officers, and there are 993 of them. Of that number 709 are at sea or doing duty beyond the sea.

Mr. VANDIVER. The statement you have relates only to the 993 who are in the line?

Mr. FOSS. Yes; only as to the line.

Mr. VANDIVER. It does not include the staff officers?

Mr. FOSS. Not the number I have just given now. Take, for instance, the Medical Corps; there are 190 in all, and from this statement here there are 12 inspectors, 15 surgeons, and 24 past assistant and assistant surgeons on shore duty; that is to say, there are 51 in the Medical Corps out of the 190 in all who are on shore duty. Gentlemen will understand that in the different navy-yards—

Mr. SMITH of Kentucky. There are 139 of the Medical Corps that are seagoing.

Mr. FOSS. Doing sea duty to-day.

Mr. SMITH of Kentucky. And are included in the 993?

Mr. FOSS. Oh, no; those are line officers. Now, I am talking about the staff officers. I have given you the condition as to the Medical Corps; that is to say, 51 out of 190 are on shore at the present time. The gentleman understands that at the different navy-yards we have naval hospitals to look out for the health of the men.

Mr. SMITH of Kentucky. I understand that.

Mr. FOSS. Now, take the Pay Corps, for instance, which is another staff corps; we have in the Pay Corps 136 officers, and 40 of them are on shore. We have 12 professors of mathematics, and they are on shore. Their business does not take them to sea. We have 24 chaplains, and 4 of them are on shore. We have 41 naval constructors, not seagoing officers, and they are on shore; 21 naval constructors and 20 assistant constructors, making 41 in all who are on shore.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SMITH of Kentucky. I ask, Mr. Chairman, that the gentleman's time be extended.

The CHAIRMAN. Is there objection to the gentleman's time being extended five minutes? The Chair hears none.

Mr. FOSS. We have 21 civil engineers, and they are shore officers.

Mr. MEYER of Louisiana. Mr. Chairman, I would like to ask my colleague a question.

Mr. FOSS. Very well.

Mr. MEYER of Louisiana. Is it not a fact that under the operation of the personnel law officers of the Engineer Corps become line officers, and such of them who rank as or above commander shall perform shore duty only, and hence can not be included in the list of seagoing officers?

Mr. FOSS. Does the gentleman state that that was in the personnel law?

Mr. MEYER of Louisiana. It is under section 5 of that act.

Mr. FOSS. I do not recall whether it is in the personnel law or not.

Mr. MEYER of Louisiana. My point is, therefore, that these officers, although of the line, should not be considered or regarded as seagoing officers on shore duty.

Mr. FOSS. Now, Mr. Chairman, I have concluded all of the staff officers in the Navy, and below that come chief boatswains, the chief gunners, the carpenters, the sailmakers, and the warrant machinists and pharmacists. I have included in my explanation all of the commissioned officers of the line and all the staff. Gentlemen will, therefore, see that the Navy is in good condition in reference to this matter.

Mr. MANN. I wish to ask the gentleman, in connection with the statement of the gentleman from Illinois, whether the personnel bill operated to increase the number of officers who were on shore?

Mr. FOSS. Does the gentleman ask me the question or does he ask it of the gentleman from Louisiana?

Mr. MANN. Either one who can give the information.

Mr. MEYER of Louisiana. What was the gentleman's question?

Mr. MANN. I understood the gentleman from Louisiana to say that under the personnel bill the operation of it was to increase the number of officers designated for shore duty; that that was one of the effects of the personnel bill.

Mr. MEYER of Louisiana. No; such was not the effect. But the engineer officers thus referred to as being limited to shore duty replaced junior officers more eligible for sea service, who would otherwise have been required for shore duty in connection with engineering duties. I would add, however, that a large number of this class have been retired since that time. The law has been in operation for three years.

Mr. MANN. Does the gentleman mean by that that the officers designated for shore duty would without the personnel bill have been designated for sea duty?

Mr. MEYER of Louisiana. No; I do not mean that specifically. Engineer officers ranking as commander and above did not usually go to sea.

Mr. MANN. I would like to ask the gentleman if the operation of the personnel bill increased the number of officers on shore.

Mr. MEYER of Louisiana. No; I think not.

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] asks unanimous consent to print in the RECORD a statement prepared by the Navy Department.

There was no objection.

Mr. JONES of Washington. I desire to occupy a moment by unanimous consent. On page 58 and several other pages of the bill the "Naval station, Puget Sound," is referred to. On one page this language was corrected so as to read "Navy-yard, Puget Sound." I ask unanimous consent that a similar correction be made wherever that phrase occurs in the bill.

Mr. DAYTON. That is right.

The CHAIRMAN. The gentleman from Washington [Mr. JONES] asks unanimous consent that wherever the words "Naval station, Puget Sound," are used throughout the bill they be corrected so as to read "Navy-yard, Puget Sound."

Mr. FOSS. I have no objection.

The CHAIRMAN. Is there objection?

There being no objection, the bill was amended accordingly.

The Clerk read as follows:

INCREASE OF THE NAVY.

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract, except as herein otherwise provided, two first-class battle ships carrying the heaviest armor and most powerful ordnance for vessels of their class upon a trial displacement of about 16,000 tons, and to have the highest practicable speed and great radius of action, and to cost when built by contract, exclusive of armor and armament, not exceeding \$4,212,000 each; two first-class armored cruisers of about 14,500 tons trial displacement, carrying the heaviest armor and most powerful armament for vessels of their class, and to have the highest practicable speed and great radius of action, and to cost, when built by contract, exclusive of armor and armament, not exceeding \$4,659,000 each; two gunboats of about 1,000 tons trial displacement, to cost, when built by contract, exclusive of armament, not exceeding \$882,000 each; and the contract for the construction of each of said vessels so contracted for shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery, and not more than two of said battle ships and armored cruisers and not more than one of said gunboats herein provided for shall be built by one contracting party; and in the construction of all said vessels all the provisions of the act of June 7, 1900, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes," shall be observed and followed; and subject to the provisions hereinafter made not more than one of said battle ships and not more than one of said armored cruisers and not more than one of said gunboats shall be built on or near the coast of the Pacific Ocean or in the waters connecting therewith: *Provided*, That if it shall appear to the satisfaction of the President from the biddings for such contracts when the same are opened and examined by him that said vessels or any of them can not be constructed on or near the coast of the Pacific Ocean at a cost not exceeding 4 per cent above the lowest accepted bid for the other vessels provided for in this act, he shall authorize the construction of said vessels, or any of them, elsewhere in the United States, subject to the limitations as to cost hereinbefore provided.

Mr. BALL of Texas. I desire to offer an amendment to the paragraph just read—

Mr. MUDD. I wish to reserve a point of order upon all that part of this paragraph from and including line 14, on page 73, down to the end of the paragraph.

The CHAIRMAN. The point of order will be reserved.

Mr. BALL of Texas. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "delivery" in line 10, page 73, strike out the three following lines:

"And not more than two of said battle ships and armored cruisers, and not more than one of said gunboats, herein provided for, shall be built by one contracting party."

Mr. BALL of Texas. Mr. Chairman, the object of this amendment is to strike out the limitation as to the number of battle ships, cruisers, and gunboats that may be built at any single yard. I understand the language which I propose to strike out has been carried in the naval appropriations bills for some years past, and I have been told, upon inquiry, that this is the usual language in such appropriations. If that be true, it is a custom that would be "more honored in the breach than in the observance." Clearly the effect, if not the object, of this limitation is to prevent the Government from having the benefit of full, fair, and free competition in the bids for the construction of these vessels. As I understand, there are some three shipyards in the United States that are capable of constructing battle ships. The effect of this provision, as carried in these bills heretofore, has been to prevent the Government from having the benefit of unrestricted competition.

Mr. DAYTON. Will the gentleman allow me to ask him whether he thinks it wise to strike out simply this provision. Why not strike out all the balance of the section?

Mr. BALL of Texas. I think it would be very well to do that; but what I am after now is this particular provision.

Mr. DAYTON. I simply call the gentleman's attention to the fact that all these provisions are limitations.

Mr. BALL of Texas. This is the particular point to which I object and to which, with the permission of the gentleman from West Virginia, I will address my remarks. I understand that business men pursue a different course from the one indicated in this paragraph of the bill. When Mr. Rockefeller was proposing to have constructed 12 large vessels for the lake trade, he advertised for bids for only 2. There were at that time six shipyards upon the Great Lakes capable of constructing vessels of large tonnage such as he wanted.

As I have said, he advertised for bids for only two of these vessels, and the consequence was that the agents of all these six shipyards came down to him, offering him the advantage of their lowest figures for the construction of the vessels. After they had put in their bids he retired to his office for a few minutes, and then coming back he told the agents of all these shipyards that their bids were reasonable, and therefore he would accept them all. He knew that if he advertised for the construction of 12 ships—the capacity of those shipyards being 12 only—the proprietors would get together and make such a price to him as they chose.

Now, I say the effect of such limitations—I do not charge any such purpose upon the part of the Naval Appropriations Committee—is to play into the hands of the shipbuilders and prevent the Government from getting the benefit of fair, unrestricted competition, to which it is entitled.

It may be said that a provision of this kind is necessary to secure expeditious delivery of the vessels. But there is in the paragraph just preceding that to which the amendment applies a provision allowing the Secretary of the Navy a discretion in this matter, so that he is not required to give the contract to the lowest responsible bidder, but is authorized in making the awards of the contracts to take into consideration the best result and the most expeditious delivery. So that if any one shipyard should overbid its capacity it would be within the discretion of the Secretary of the Navy to refuse to award them the contract, having his protection in this provision; and we well know that in the case of the Secretary of War, as recently disclosed, the only way not to get a contract was to make a bid for less than anybody else was willing to do the work for, as in the case of the contracts for disappearing guns.

In nearly every instance those contracts were awarded, not to the lowest bidder, but always to those who bid a higher figure than that of the lowest bidders. I do not think there should be any objection on the part of the Naval Affairs Committee to the striking out of this limitation in view of the fact that the clause immediately preceding gives the Secretary of the Treasury all the discretion that is necessary to protect him against irresponsible bidders.

Mr. TAYLER of Ohio. Will the gentleman permit a question?

Mr. BALL of Texas. Certainly.

Mr. TAYLER of Ohio. I do not know that I have any special

objection to the amendment, but I rise merely for the purpose of correcting a statement of the gentleman. Does he not know that we have some ten or twelve or perhaps more shipyards in this country, private yards, that are capable or claim to be capable of building Government vessels of the largest size?

Mr. BALL of Texas. The gentleman from Ohio perfectly well understands there is no such number of shipyards in this country that are really capable of building a battle ship.

Mr. TAYLER of Ohio. I think there are.

Mr. BALL of Texas. And that very few of them have ever been able to give a satisfactory bid to the Government. Now, there can be no harm in striking out this limitation. It is nonsensical, it is unbusinesslike, it ought never to have been inserted, and it ought to go out.

Mr. GAINES of Tennessee. What is the objectionable language?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BALL of Texas. Lines 11, 12, and 13 on page 73.

Mr. DAYTON. Mr. Chairman, I think there is reason for the position taken by the gentleman from Texas; but if we are going to do this thing, I think his motion ought to extend from line 11 to the end of the section. That removes all these provisions. I want to say, in justice to the Committee on Naval Affairs, that they, in making this language, followed the provisions that have been maintained for a number of years in the authorization of the construction of naval vessels. However, it seems to me that the conditions that justified those provisions originally have passed away. We have now a very large number of private yards that are capable of entering into competition for these vessels, a much larger number of yards than we have vessels to construct, and it is next to an impossibility for there to be any combination among those yards for the small number of vessels which we authorize. In the next place, I want to call attention to the fact that this provision in regard to building ships on the Pacific coast grew out of the desire on the part of Congress to build up the shipbuilding yards on the Pacific coast.

Mr. COOMBS. Will the gentleman permit a question?

Mr. DAYTON. In a moment. It was insisted that material was higher there than it was in the East, but the experience of the last letting has shown that the shipyards on the Pacific coast have not only been able to compete under the 4 per cent advantage that the law has heretofore given them, but they were able to enter into open competition with the yards on the Eastern coast and actually got a large portion, a large number of vessels to build, on a dead level competition with the Eastern yards.

Mr. GAINES of Tennessee. What do you mean by "Eastern yards?"

Mr. DAYTON. I mean those on the Eastern coast.

Mr. METCALF. Will the gentleman please cite some instance where the Pacific coast shipbuilding concerns have received contracts in competition against Eastern shipbuilding concerns?

Mr. DAYTON. I mean to say that the last bill provided for a certain number of these ships to be built on the Pacific coast; that the two construction yards—the Union Iron Works and Moran Brothers—entered into competition and got a number more of these vessels than the bill provided the Pacific coast should have, and they got them by open competition with the others.

Mr. JONES of Washington. I desire to suggest with reference to Moran Brothers that the people of Seattle raised for them \$100,000 in order to have their bid accepted. They thought that with the competition they had they could not do it without that, and the people of Seattle raised a hundred thousand dollars to help them do it.

Mr. DAYTON. That may be; I do not know anything about that, but I want to say that if this section is to be amended at all these provisions ought to go out. There have been labor troubles on the Pacific coast during the last year that have retarded the construction of the vessels there to such an extent that it seems to me they have all the work that they can possibly do, and it is unnecessary to provide here that one of each of these classes of vessels shall be built on the Pacific coast. They have more than their share, in my deliberate judgment, now, under former conditions, and while I do not want to make an amendment, I would suggest to the gentleman from Texas [Mr. BALL] that he include in his motion the striking out of the whole of the section from and after line 10.

Mr. BALL of Texas. I ask unanimous consent to include that in my amendment.

Mr. DAYTON. Subject, of course, to the point of order.

Mr. MUDD. I suggest, Mr. Chairman, that it would be well to dispose of the point of order.

The CHAIRMAN. The Chair was about to say that you could not cover the balance of the section on the motion to strike out while the point of order was pending against it. If the gentleman desires to withdraw his point of order, of course it could then be voted on.

Mr. MUDD. I will reserve the point of order in order that I may renew it, or consider it pending, in case the motion to strike out should be made. I want to be heard on the point of order.

Mr. METCALF. Before the point of order is considered, I should like to be heard on the subject of shipbuilding on the Pacific Coast.

The CHAIRMAN. The point of order is again raised, and the gentleman from Maryland [Mr. MUDD], who raised the point of order, desires to discuss it.

Mr. MUDD. If it is the desire of the gentleman from California [Mr. METCALF], I will reserve the point of order until the gentleman from California has made his remarks.

The CHAIRMAN. Does the gentleman from California desire to discuss the point of order?

Mr. METCALF. I do not. The gentleman stated that he wished to reserve his point of order until after I have said something in regard to the question of shipbuilding on the Pacific coast.

The CHAIRMAN. The gentleman reserves the point of order. The gentleman from California [Mr. METCALF] is recognized.

Mr. METCALF. Mr. Chairman, if you want to prevent the building of ships on the Pacific coast, then strike out this provision giving to the shipbuilders of the Pacific coast 4 per cent above the lowest accepted bids. This provision has been in every naval appropriation bill for a number of years, and I presume it was only inserted after the most careful examination and investigation of the conditions existing on the Pacific coast. The cost of living on the Pacific coast in some places is greater than on the Atlantic coast or in the Middle States. Coal for manufacturing enterprises costs on the Pacific coast at least \$8 a ton. Skilled labor, and especially the labor of skilled machinists, costs from a dollar to a dollar and forty cents a day more on the Pacific coast than in the Eastern or Middle States' shipyards. In addition to these increased items of cost, nearly all the material used in the construction of ships on the Pacific coast is purchased in the Eastern and Middle States and sent 3,000 miles across the continent to Seattle and San Francisco.

The *Olympia*, Admiral Dewey's flagship at the battle of Manila Bay, and the *Oregon*, with a record unparalleled by any ship in any of the navies of the world, was built by the Union Iron Works of San Francisco. The battle ship *Wisconsin* was built by the same company, and the battle ship *Ohio* and the cruising battle ship *California* are now in process of construction there.

If you want to encourage the building of ships like these for the American Navy, if you want to protect a great California industry, then I ask you to vote down this amendment.

Mr. Chairman, in view of the remarks made on Saturday by two of the distinguished gentlemen from Illinois, the chairman of the Committee on Appropriations [Mr. CANNON] and the chairman of the Committee on Naval Affairs [Mr. FOSS], relative to Mare Island Navy-Yard, I ask unanimous consent to insert as a part of my remarks some recent data as to the depth of water at Mare Island Navy-Yard.

The data are as follows:

On January 18, 1900, the U. S. S. *Scindia* left Mare Island Navy-Yard for San Francisco under instructions from the commandant of the yard to make soundings for the purpose of ascertaining the depth of water. The soundings were made, and the least depth of water found was 5½ fathoms. In order to authoritatively settle the question I wrote the commandant of Mare Island Navy-Yard, Admiral Miller, and received from him the following letter:

NAVY-YARD, MARE ISLAND, CAL., April 14, 1902.

SIR: In compliance with your request for a statement showing the depth of water in the channel and along the quay wall, Mare Island Navy-Yard at low and high tides, also statement showing the depth of water at the lowest and highest tides during the year, I have the honor to report as follows:

From survey made last January depth in channel varies as follows: Thirty to 35 feet from steam engineering building to *Independence*; 22 to 30 feet to South Vallejo Railroad wharf; 30 to 48 feet to outer bar, and 25 feet over bar.

From survey made to-day depths along quay wall as follows: Out 20 feet depth of 20 feet; out 75 feet depth of 25 feet; out 150 feet depth of 30 feet.

Above depths all referred to mean low tide. Highest tides 8½ feet above mean low tide. Lowest tides 1½ feet below mean low tide.

Very respectfully,

H. R. STANFORD,
Civil Engineer, U. S. N.

The COMMANDANT,
Navy-Yard, Mare Island, Cal.

[Indorsement.]

NAVY-YARD, MARE ISLAND, April 14, 1902.

Respectfully forwarded. The depths given will all be increased to 30 feet mean low water by dredging this summer, for which money has been appropriated. If rivers and harbor would once clean out the straits we would not have to dredge for several years.

MERRILL MILLER,
Rear-Admiral, Commandant.

Mr. GAINES of Tennessee. I should like to ask the gentleman a question.

Mr. METCALF. Certainly.

Mr. GAINES of Tennessee. You said you referred to the mat-

ter in your speech the other day, but I am unable to find the RECORD containing your speech. The question is this: It seems that this chamber of commerce over in your State somewhere—I forget the name of it—

Mr. METCALF. Vallejo.

Mr. GAINES of Tennessee (continuing). Of the *Monterey*—and the *Monadnock*, which was built at the Mare Island Navy-Yard, was built cheaper than the *Monterey*, a sister ship. Now, that has been disputed. Do you know what the facts are?

Mr. METCALF. I made a statement in regard to that in my remarks on Wednesday, and since then I have ascertained that there never was any act of Congress authorizing the construction of the *Monadnock*. It was authorized by the Bureau of Navigation. The keel, as I remember, was laid some time in 1875. The old *Monadnock* was sold, and the purchaser of the old *Monadnock* was given permission to use a portion of the material for the construction of the new *Monadnock*; but for some reason he abandoned his contract, and the monitor remained exposed to wind and weather for probably eleven years without any work being done upon it. Congress then, by the act of 1886, authorized the completion of the *Monadnock*, which was completed at Mare Island Navy-Yard. The plans were changed. The hull was remodeled; and it practically cost more to remodel the old hull than to construct the new one. Notwithstanding that, I say the *Monadnock* was built for less than the *Monterey*.

Mr. GAINES of Tennessee. I understand that the officers in charge of the Mare Island Navy-Yard contend that they can build a battle ship as cheap as the private manufacturing establishments.

Mr. METCALF. I do not think there is any mistake about that. They have competed against private shipbuilding concerns on the Pacific coast. When the *Logan* was repaired they repaired it at \$33,000 less than was bid by the lowest bidder.

Mr. DAYTON. Are you aware of the fact that 11 vessels are already being constructed for the United States on the Pacific coast?

Mr. METCALF. I am.

Mr. DAYTON. And that is a long way over the proportion provided by the bills heretofore authorized.

Mr. METCALF. I am not responsible for the letting of these contracts, but I suppose that the Navy Department came to the conclusion that they could build them better on the Pacific coast than at any other place, or they would not have awarded the contracts.

Mr. DAYTON. Have there not been spread all over this country statements to the effect that the cheapest vessels in the world can be built in California?

Mr. METCALF. I am not responsible for the statements that have been made, but I expect it is true.

Mr. DAYTON. If that is true, there is no use in keeping this provision in the bill.

Mr. CANNON. Respectfully, I want to dissent from one statement the gentleman made, namely, that the cost of living is higher on the Pacific coast than it is on the Atlantic coast. My information is that, if anything, it is lower.

Mr. METCALF. I am speaking from practical experience.

Mr. MANN. Of one coast.

Mr. METCALF. On the Pacific coast.

Mr. CANNON. I will take the markets.

Mr. MUDD. Mr. Chairman, I raise the point of order, and desire to discuss it.

Mr. FITZGERALD. I desire to discuss the pending amendment.

The CHAIRMAN. The point of order will first be disposed of.

Mr. MUDD. The point of order, Mr. Chairman, is to all of the paragraph under the head of "Increase of the Navy" from and including line 14, page 73, down to and including line 8, page 74. The purpose of it is clear, Mr. Chairman. This portion of the bill contains a provision, in the first place, involving a renewal for the purposes of this act of the provisions of the act of Congress "making appropriations for the naval service for the fiscal year ending June 30, 1901." I suppose it is restricted to the enactment of the terms and provisions of that act relating to the increase of the Navy. It relates, furthermore, to the subject of the number of battle ships which may be built in any one navy-yard, and limits and prescribes that number. It furthermore prescribes what battle ships or other vessels, one or more, as the case may be, must be built on the Pacific coast.

Now, all of these provisions, Mr. Chairman, to my mind, are clearly new legislation, inasmuch as they undertake to legislate anew as to this subject-matter and make legislative provisions that have no existence at law. I understand the decision has often been made that new legislation comes within the prohibition of the rule which declares against a change of existing law upon an appropriation bill. There has been a decision of that kind made by the present occupant of the chair, if I recollect

aright, upon a paragraph similar to this, which we find set forth on page 2160 of the RECORD, Fifty-fifth Congress, third session, which I will send to the Chair in a moment. The point of order was made by Mr. HOPKINS, of Illinois, following one made by Mr. Dockery, of Missouri, exactly similar in nature to that in this section against language therein, which I quote:

And not more than two of said battle ships, and not more than two of said armored cruisers, and not more than two of said protected cruisers shall be built in one yard or by one contracting party.

There is a similar provision, with an immaterial variance as to number and character of ships, in the paragraph against which I make this point of order.

Mr. HOPKINS, as to the obnoxious language of the paragraph then objected to, stated:

I claim, if the Chair please, that that is a change of existing law. We of course have a general law that provides for the increase of the Navy, but we have no general law that provides that in the construction of the vessels of the Navy any one shipyard in the country can take a contract but for two vessels.

It is precisely an analogous case. We have in the language in this paragraph, in accordance with existing law, a provision for the increase of the Navy, but we have no existing provision of law providing that any number of battle ships shall be built in any one particular yard or that they shall be built in any particular section or on any particular coast line of the country. No one will contend that the provision reasserting the provisions of the act of 1901 as to this bill is not a change of existing law, because the act making the naval appropriations for 1901, while it was made law as to that act, referred only to the ships provided for in that act. I think the ruling I have referred to was made by the present occupant of the chair, and the ruling was made in accordance with a previous ruling which the Chair will find, made in connection with the same section by Mr. Dockery, of Missouri, on page 2158 of the RECORD I send to the Chairman.

Mr. ROBERTS. Is the gentleman from Maryland through?

Mr. MUDD. Nearly so.

Mr. METCALF. To what portion of this does the gentleman make the point of order?

Mr. MUDD. I make the point of order to that portion of the paragraph from line 14, page 73, down to and including line 8, on page 74, that it is a change in existing law, and new legislation. It says in part:

And subject to the provisions hereinafter made, not more than one of said battle ships and not more than one of said armored cruisers and not more than one of said gunboats shall be built at or near the coast of the Pacific Ocean or in the waters connected therewith.

All of the paragraph is clearly obnoxious to the rule to which I refer.

Now, Mr. Chairman, I would have made a point of order, had my attention been called to it earlier, to include all from line 11 down to end of the paragraph, and I would change my point of order now, so as to take in the three preceding lines, but I apprehend I can not, because debate has taken place on the other lines—10, 11, and 12.

Mr. VANDIVER. I understood the gentleman to reserve the point of order against the whole paragraph.

Mr. MUDD. I did not mean that. In other words, I am not "up against" the provision as to building ships in the navy-yard. The gentleman from Missouri need not be disturbed, therefore, as to that as yet.

Mr. VANDIVER. I am not referring to that part of it.

Mr. MUDD. My point of order is against only that portion of the paragraph which runs from line 14, page 73, down to and including line 8, on page 74.

Mr. ROBERTS. Mr. Chairman, I submit that the point of order raised by the gentleman from Maryland is untenable on two grounds. He begins at line 14, page 73, and makes his point of order to all that follows in that paragraph. Now, Mr. Chairman, it is well known that there is no general law governing the construction of battle ships or ships of any kind authorized in the naval bill; and yet this same paragraph in the preceding lines does authorize and point out the manner in which these ships shall be constructed, to wit, by contract. That does not change existing law, but is of itself a new law. That is new legislation, and that, I submit, Mr. Chairman, would have been subject to a point of order had it been raised.

Mr. MUDD. May I interrupt the gentleman?

Mr. ROBERTS. Yes.

Mr. MUDD. Does the gentleman contend that if that was new legislation it does not contravene the rule that you can not change existing law?

Mr. ROBERTS. I maintain that there is no existing law. Then anything that makes a law is new legislation and is contrary to the rule. But the gentleman from Maryland misses the point I am trying to make. This authorizing the building of ships by contract is of itself legislation, and if the rule were to be construed according to its literal wording, then the point of

order might have been raised against that authorization of construction by contract; but—

Mr. MUDD. Mr. Chairman—

Mr. ROBERTS. If the gentleman will pardon me until I explain my position he will understand it. But no point of order was raised against that part of the paragraph which authorizes the construction of these vessels by contract. Hence under the long-continued practice of Speakers of the House and Chairmen in this body, the point of order not having been raised against that part of the bill, that part of it is then open to perfecting amendments. Now, an authorization to build these ships by contract can be, I submit, Mr. Chairman, altered or amended or perfected in any way that this body sees fit. Here in the very bill is a perfecting clause on that feature of the bill. It is rather a limitation on that general power to contract.

There is another point wherein the point of order, it seems to me, is bad. From line 23 on page 73 down to and including line 8 on page 74 is a provision increasing the cost of these battle ships. You have already, in another clause, fixed the price at which these ships shall be built, and then you go farther in the paragraph and make a limitation which in this case increases the cost; and it seems to me the Chair must hold that that limitation of cost, which itself is a proper subject of legislation, is germane and in order. I understand the rulings to be that if one portion of one part of the point of order is bad, the whole point of order is bad and must fail.

Mr. MUDD. In response to the gentleman from Massachusetts [Mr. ROBERTS], I want to call attention to paragraph 557 of the Parliamentary Precedents of the House of Representatives:

The enactment of positive law where none exists is a change of existing law within the meaning of the rule.

It is hardly necessary for me to call the attention of the Chair to this ruling; but it disposes of the argument of the gentleman from Massachusetts, because he has expressly conceded that a portion of the provision against which my point of order is directed is new legislation; but, as he says, does not change existing law. It has been often held that new legislation where there was none before—

Mr. ROBERTS. The gentleman misses the whole point of my argument.

Mr. MUDD. I think the gentleman misses the point of his own argument.

Mr. ROBERTS. Not at all. I have said that the authorization of the building of these ships by contract is new legislation. Does the gentleman understand that proposition?

Mr. MUDD. I think I do.

Mr. ROBERTS. Then, no point of order having been raised against that provision, it can be perfected by amendment or limitation. That is what the remainder of the paragraph seeks to do. It may be called new legislation, but it is properly an amendment by way of limitation on new legislation, on which no point of order has been raised.

Mr. MUDD. The decision to which I have furnished a reference was as to language following a provision authorizing contracts, and related to the question of how many battle ships should be built at navy-yards, and if I recollect aright, also to where they should be built. It followed just such a clause as precedes this, which by analogy the gentleman would contend, being unobjected to, gave jurisdiction to what followed, which was of similar nature as that which follows here; but the Chair ruled otherwise.

The CHAIRMAN. The Chair thinks the gentleman from Massachusetts [Mr. ROBERTS] fails to make a distinction between a limitation upon an appropriation and a limitation upon an officer. It seems to the Chair that the limitation here is upon an officer, not upon an appropriation. Clearly this is a legislative provision. The present occupant of the chair made the ruling to which the gentleman from Maryland has referred in his argument, holding that legislation where none exists is a change of existing law. Still holding that same opinion the Chair is constrained to sustain the point of order. The question is then upon the amendment offered by the gentleman from Texas, to strike out lines 11, 12, and 13.

The amendment was agreed to.

Mr. ROBERTS. Mr. Chairman, I desire to offer, as an amendment to what is left of this paragraph, the provision which I send to the Clerk.

The Clerk read as follows:

Provided, That the Secretary of the Navy shall build at least one of the battle ships, one of the armored cruisers, and one of the gunboats herein authorized in such Government navy-yard or navy-yards as he may designate; and for the purpose of preparing and equipping such navy-yard or navy-yards as may be so designated for the construction of such ships the sum of \$175,000, or so much thereof as may be necessary, is hereby appropriated for each of the navy-yards in which the Secretary of the Navy may direct any such ship or ships to be built.

Mr. ADAMS. I raise a point of order on that amendment.

The CHAIRMAN. Does the gentleman desire to discuss the point of order?

Mr. ADAMS. I do, if necessary.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. ADAMS. In the first place, I submit that the amendment is new legislation; in the second place, it changes existing law, and in the third place, it limits the discretion of the officer at the head of a department of the Government. If the Chair desires authorities on those three points, I have them here.

Mr. VANDIVER. Mr. Chairman—

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ADAMS] has the floor.

Mr. VANDIVER. I make the point of order that there is so much noise we can not hear what the gentleman is saying.

The CHAIRMAN. The point of order is well taken. The committee will please come to order.

Mr. ADAMS. I ask that the amendment be read again.

There being no objection, the Clerk again read the amendment.

Mr. TAYLER of Ohio. I rise to a parliamentary inquiry—whether any part of the bill on page 74 has been read.

The CHAIRMAN. This amendment, as the Chair understands, is offered to come in after line 10, page 73.

Mr. TAYLER of Ohio. Does not the gentleman from Massachusetts [Mr. ROBERTS] think that we ought to read the next paragraph before he offers this amendment?

Mr. ROBERTS. Oh, no; not at all.

The CHAIRMAN. The amendment is offered to come in at the close of the paragraph as it is, after the exclusion of what has been ruled out on a point of order, and also the portion struck out by a vote of the Committee of the Whole in adopting the amendment of the gentleman from Texas [Mr. BALL].

Mr. WHEELER. I do not know just exactly what the parliamentary situation would be under the existing circumstances, but a portion of the language embraced in the proposed amendment has already been incorporated in the bill in lines 16 to 22, which have not yet been reached in the reading.

The CHAIRMAN. That part has not yet been reached.

Mr. WHEELER. Is it in order to offer an amendment embracing that portion of the bill?

The CHAIRMAN. Oh, the Chair thinks so. If certain language is adopted by the Committee of the Whole in one part of the bill and subsequently the same language is reached in another part of the bill, the repetition of the language can be struck out. The Chair thinks the amendment is in order.

Mr. ADAMS. Then, Mr. Chairman, I would cite Rule XXI, part 2, of the House, which prohibits any new legislation in an appropriation bill. Second, I would call the attention of the Chair to section 3709 of the Revised Statutes, which provides that all purchases and contracts for supplies and services in any of the departments of the Government, except for personal services, shall be made by advertising, etc. I would state to the Chair that on first looking at this section of the Revised Statutes I did not think it applied, but when I turned and got a definition of the word "purchase" and of the word "purchases" I was compelled to come to the conclusion that this is a change of that statute. The definition of the word "purchase" is "to obtain or secure one's own by paying or promising to pay a fair price," and "to acquire [property] by one's own act or agreement, as distinguished from the mere operation of law."

You will notice, Mr. Chairman, that the term "agreement" is used here, and means the acquiring of anything by price or agreement. You will see also that in the wording of the statute that all "purchases and contracts" is the term used. In a grammatical construction it is a disjunctive, and therefore disapples to purchases and contracts for supplies. Under that holding of the interpretation of the statute this is merely a change of existing law, and I submit that is the first point to determine why Rule XXI, part 2, should apply to this amendment which has been offered.

Mr. FITZGERALD. Will the gentleman answer how the—

The CHAIRMAN. Does the gentleman yield?

Mr. ADAMS. I would rather conclude my argument without interruption.

The CHAIRMAN. The gentleman declines to yield.

Mr. ADAMS. In the next place, it is the enactment of new law. There is a line of decisions under the same section of the rules of the House which says it is not necessary to change existing law when a new law is enacted contrary to any established custom or without any provision beyond that relating to the matter; that it comes under the head of that rule, and there is a line of decisions on that point which I would be very glad to submit to the Chair. The third point, which has been held by several different decisions, is that any amendment restraining the discretion which is given under the general law to any head of a department is also new legislation.

There is a long line of decisions on that question, beginning with the Forty-seventh Congress, down to the present time. This limitation providing that the Secretary of the Navy must build one of these ships in a navy-yard of the United States is limiting his discretion under the general right that he has as the head of the Navy Department, which he is to administer according to law and his discretion. For these three reasons, Mr. Chairman, I hold, without any doubt in my own mind, having looked very carefully into the subject, that this is out of order. I will cite the decisions on each of these points, if the Chair would like to hear them, although I think probably the Chair is as fully aware of them as I am, including one of his own, which relates to a matter involving this same principle. If the Chair desires to hear them, I will cite them.

The CHAIRMAN. The Chair would be pleased to hear them.

Mr. TATE. Mr. Chairman, I would like to ask the gentleman a question for information, and for information alone, and that is whether or not he thinks a battle ship comes under the head of supplies for the Government?

Mr. ADAMS. I have already enunciated that point. The term being disjunctive under grammatical construction, it means purchases first and supplies after, and therefore would apply to all purchases. I have already tried to state that. In regard to the decisions that this is new law I would cite Parliamentary Precedents, section 557, which is as follows:

The enactment of positive law where none exists is a change of existing law within the meaning of the rule. On February 4, 1896, the District of Columbia appropriation bill was under consideration in Committee of the Whole House on the state of the Union, and Mr. Henry M. Baker, of New Hampshire, offered this amendment:

"For the support and medical treatment of medical and surgical patients who are destitute in the city of Washington, under a contract to be made with the Providence Hospital by the Surgeon-General of the Army, \$15,000."

"For Garfield Memorial Hospital, for maintenance to enable it to provide medical and surgical treatment to persons unable to pay therefor, \$15,000."

Mr. Franklin Bartlett, of New York, made the point of order that this would be a change of existing law.

After debate the chairman ruled:

"In the opinion of the Chair it is no answer to a point of order that the amendment changes existing law to say there is at present no statute law upon the subject. In the absence of statute law there is still a rule established by custom. That is the law, and any proposition which enacts positive law is a change of existing law in that respect. The enactments of law where none now exists is a change of existing law. It is acknowledged by the mover of this amendment that it does enact positive law where none now exists, and in that it changes existing law; and the point of order is sustained."

That, I think, Mr. Chairman, bears directly on the point before the House.

Mr. FINLEY. I wish to ask the gentleman a question. Is it not a fact that the Secretary of the Navy will derive his entire power with reference to building these battle ships from the provisions of this bill?

Mr. ADAMS. No; it will be limited.

Mr. FINLEY. But I say, does not this bill give him all the power and authority that he will have in reference to building these new vessels?

Mr. ADAMS. Yes.

Mr. FINLEY. Now, if that be true, when we are giving him the authority and power to build these vessels why can we not direct his discretion also?

Mr. ADAMS. Because you are taking away from him the power that he has under the Constitution and general law to exercise his discretion as to the best way of building these ships. When you limit him you take away that discretion. Under these decisions, that is against the rule.

Mr. FINLEY. What particular law does the gentleman allude to in reference to that discretion which is vested in him, which we can not direct or limit or give him by this bill?

Mr. ADAMS. The law that gives the power to the Secretary of the Navy to conduct the affairs of that Department.

Mr. FINLEY. But the gentleman has just admitted that all the authority that the Secretary of the Navy will have in reference to the building of these vessels he will derive by virtue of and under the provisions of this bill.

Mr. ADAMS. That is for this particular construction, but—

Mr. FINLEY. Well, now, does not the discretion that we propose to limit apply to the particular vessels that are to be built under the provisions of this bill?

Mr. ADAMS. But in doing that the gentleman takes away the discretion, which is not permissible, because that is a change of existing law. That is the point I make.

Mr. FINLEY. What law?

Mr. ADAMS. If the gentleman will allow me, that is the point I am now raising. The gentleman from South Carolina [Mr. FINLEY] by his question has simply emphasized in a very strong way the point I make.

Mr. FINLEY. I differ entirely with the gentleman as to that.

Mr. FITZGERALD. What discretion has the Secretary, considering the fact that this bill already provides that he shall build these vessels by contract? What discretion has he to do anything else?

Mr. ADAMS. The discretion left in him is to consider the bids of the contractors. He is not limited to the lowest bidder. He can exercise his judgment as to the capacity of a yard to construct any of the vessels bid for. He can take into consideration the responsibility of the bidders. All the discretion left in the Secretary by this bill you will take away from him in regard to one ship if you stipulate that it must be built in a Government yard.

Mr. FITZGERALD. If you provide that they all must be built by contract, you take away the discretion he would have under the law without that provision to build them all in Government yards if he desired to do so, because there is no general law providing where the Secretary shall build ships of war.

Mr. ADAMS. I have been citing to the Chair the section of the Revised Statutes that does so provide—section 3709.

Mr. FITZGERALD. Under the law, however, there is no dispute that the Secretary will have to buy all materials to be used in the building of these ships by advertising for them. If that construction be true, he can never even repair a ship in a Government yard, because that is a supply, and it would have to be obtained by contract.

Mr. ADAMS. I have heard the gentleman before on this point and I have read with great interest his remarks on the subject. He is raising now the same point that he has raised every time when this thing has come up, and the gentleman has been overruled.

Mr. FITZGERALD. The gentleman knows I was sustained the last time.

Mr. ADAMS. The gentleman was sustained by the occupant of the chair at that time—

Mr. FITZGERALD. The present Secretary of the Navy.

Mr. ADAMS. But it was not exactly on the same point that is involved now. If the gentleman will cite that case I shall be very glad to answer him.

Mr. GAINES of Tennessee. Does the gentleman hold that Congress has no right to restrain or control the discretion of the Secretary of the Navy?

Mr. ADAMS. I have not contended for any such thing. I say when you attempt to do it here on an appropriation bill it is new legislation, and therefore can not be done on that bill. It is not that we have not the power, but the point I make is that we have not the power to do it on an appropriation bill, because the proposition is new legislation and can not be considered on an appropriation bill.

Mr. GAINES of Tennessee. You were reading a statute just now. Was that, he had to build our ships in certain places.

Mr. ADAMS. I never said anything of the kind.

Mr. GAINES of Tennessee. Is there any such statute?

Mr. ADAMS. There is no such statute.

Mr. GAINES of Tennessee. Then how is this a change of "existing law?"

Mr. ADAMS. The statute that I cited was that in which it states that he must advertise for material, and that therefore the provision here which provides that he must build in a Government yard is new legislation.

Mr. GROW. What is the question now pending?

The CHAIRMAN. The committee will be in order.

Mr. GROW. I understand the question is a point of order made to a page of this bill. It seems to me my colleague, from what I can hear of the debate, is undertaking to decide it, instead of the Chair.

Mr. ADAMS. In reply to my venerable colleague, "the gentleman from Pennsylvania" is endeavoring to answer the interrogatories of his colleagues in the wish to be courteous to them.

Mr. GAINES of Tennessee. Will the gentleman please give us that statute? I am very anxious to know what the statute is.

Mr. ADAMS. It is section 3709 of the Revised Statutes.

Mr. GAINES of Tennessee. Will you read it, so that we can all know what it is?

Mr. ADAMS. I have already read it, and have submitted it to the Chair.

Mr. GAINES of Tennessee. What does it state?

Mr. ADAMS. The main part of it, to go over it again for the benefit of the gentleman from Tennessee, is this: All purchases of supplies and services in any department, except for personal services, shall be made by advertisement.

Mr. GAINES of Tennessee. Do you not know that the Secretary of the Navy has the power to advertise for iron and steel and coal and labor for the work that he may do in the navy-yards?

Mr. ADAMS. That is not the point involved. The question is not whether we can restrain the power of the Secretary of the Navy, but whether, under Rule XXI, clause 2, any amendment which changes existing law can be introduced, and this is undoubtedly a change of existing law.

Mr. GAINES of Tennessee. The question is, Is there any change of law? How is he going to get such things except by bids for

material and for labor, because the Government has no coal or iron or timber lands?

Mr. ADAMS. This makes him build one of the ships in the navy-yards, and it takes away his discretion of where he shall build them.

Mr. GAINES of Tennessee. Is there a law providing that he shall build them at a certain place?

Mr. ADAMS. This very question was decided in the last Congress, in which a ruling was made, but not exactly on this point. It was an expansion of a provision already given.

Mr. GAINES of Tennessee. Oh, then, it is expansion that has given you the trouble. If that is so I am satisfied.

Mr. ADAMS. I am glad the gentleman has got the information he desires.

Mr. GAINES of Tennessee. From a source that I never received information before, I will say to the gentleman.

Mr. ADAMS. The gentleman had not gone to the reliable place to seek it. That is the reason that he is making these arguments in the House. I wish to cite two decisions upon this point, one made when the gentleman from New York [Mr. PAYNE] occupied the chair, which was exactly on this point. Mr. FITZGERALD, who shows how well posted on this question he is, offered an amendment, which is as follows:

Amend by inserting before the word "three," in line 22, page 62, the following:

"To be constructed under the supervision and direction of the Secretary of the Navy in such of the navy-yards of the United States as are best adapted therefor."

Thereupon the gentleman from Illinois [Mr. FOSS] made the point of order on that amendment, and the Chair sustained the point of order. That is just exactly this question which I submit.

Mr. FITZGERALD. Does not the gentleman know that this amendment differs from the amendment just read? The language of the pending amendment does not use these words, but says such yards as he may designate.

Mr. ADAMS. I wish to say to the gentleman that that to my mind only makes it stronger.

Mr. FITZGERALD. But if the gentleman will allow me, the former decision held that it would direct the Secretary of the Navy to have our vessels constructed in yards without certain equipments.

Mr. ADAMS. Exactly the same point.

Mr. FITZGERALD. This does not limit him to any particular navy-yard. He can build them in any navy-yard.

Mr. ADAMS. But it limits his discretion, and puts in a stringent restriction which says he must build in one of the navy-yards.

Mr. FITZGERALD. It says in one or the other.

Mr. ADAMS. The same question precisely.

Mr. FITZGERALD. I think it is entirely different.

Mr. ADAMS. I will have to differ with the gentleman on that. Now, Mr. Chairman, the authorities that I have cited, well known as they are, all fall away before the one I am about to quote—of an eminent parliamentarian who has occupied the chair here often and rendered so many able and learned opinions, Mr. SHERMAN, of New York. [Laughter and applause.]

Mr. HOPKINS. Now, Mr. Chairman, the points which I desire to be heard upon just for a moment only will be found in lines 19, 20, 21, and 22 on page 59, and not more than two of said battle ships, and not more than two of said armored cruisers, and not more than two of said protected cruisers shall be built in one yard or by one contracting party.

After debate the Chair sustained the point of order, and that is exactly the principle involved in this question.

Mr. Chairman, I have more authorities here, but I really think I have submitted sufficient to call the attention of the Chair to the position I hold.

Mr. ROBERTS. Mr. Chairman, the gentleman from Pennsylvania alleges three grounds upon which his point of order should be sustained—first, that the amendment under discussion changes existing law, and he cites as the existing law the following words: "All purchases and contracts for supplying the service in any department of the Government, except for personal services, shall be made by the department." Then he goes into a long and complicated dissertation prying out hidden meanings of words, trying to make it appear that building a battle ship is purchasing supplies for the Government. It seems to me, Mr. Chairman, that that proposition is too ridiculous for further consideration. I maintain that under that section of the Revised Statutes read by the gentleman from Pennsylvania there is no law whatever on the subject of how, when, where, and by whom a battle ship shall be built in the United States. He then alleges as another reason that the amendment proposed is new legislation.

Well, now, Mr. Chairman, suppose he is correct in that. I think he is nearer correct in that proposition than any other he has advanced. Suppose he is correct; suppose that it is new

legislation if it stood by itself. But it does not stand by itself. The amendment under discussion is an amendment to a part of this bill which, if the point of order had been raised, would have been ruled out as new legislation. I believe there is no question that the limitation and the instructions given to the Secretary of the Navy in lines 7, 8, 9, and 10 in this bill are new legislation, because there is no law on the statute book instructing the Secretary of the Navy how, where, and when he shall build battle ships, and when you say to him that the contracts for the construction of each of said battle ships so contracted for shall be awarded by the Secretary of the Navy to the lowest responsible bidder, having in view the best results and most expeditious delivery, you are creating a law for his guidance.

There is no statute that controls that; that language is entirely new legislation. The point not having been raised on that topic of new legislation, it is within the province of this committee to go ahead and by proper amendment change, alter, and perfect that provision which, if the point of order had been raised, would have been ruled out.

Mr. ADAMS. Is there any existing law that says that he shall build battle ships in the navy-yards?

Mr. ROBERTS. No law whatever in regard to the building of battle ships.

Mr. ADAMS. Then it is new legislation.

Mr. ROBERTS. I say it is new legislation. Lines 7, 8, 9, and 10 on page 73 are new legislation.

Mr. VANDIVER. I want to call the gentleman's attention to the fact that that provision of letting them by contract is new legislation.

Mr. ROBERTS. That is what I said. All the provisions in regard to contracts either by the President or by the Secretary of the Navy are new legislation and would be subject to a point of order had it been raised, but nobody rose on the floor to make the point of order against this provision; and the point of order not having been raised, these matters in the bill are subject to amendment.

I want to call the attention of the gentleman from Pennsylvania and of the Chair to section 1068 of the Parliamentary Precedents of the House.

On June 14, 1884, the House was considering Senate amendments to the post-office appropriation bill, among which was the following: "For special facilities in trunk lines, \$185,000."

It was moved to recede and concur in the amendment with an amendment making the same \$250,000.

Mr. William S. Holman, of Indiana, made the point of order that this amendment was not in order.

The Speaker held:

While the Chair supposes there is no permanent provision of law authorizing this expenditure, still the proposition to expend a certain amount of money for that purpose is now properly before the House, and the Chair thinks that the proposition, being properly before the House, is amendable without regard to the rule applying to an original amendment proposed in the House. In other words, as an illustration, if the Committee on Appropriations should report a bill containing within it a provision not directly authorized by law, amendments proposed to such a provision should not be ruled out upon the point of order, because the subject upon which they are predicated, being virtually before the House, is a legitimate subject of amendment, either by increasing or diminishing the amount of the appropriation. The Chair therefore overrules the point of order.

Again, on the 21st of December, 1896, the same decision was made when a point of order was raised under the same conditions. The whole gist of the decision being that matter which is subject to a point of order if raised in time, and a point of order not being raised, was properly before the House, and could then be amended, and that no point of order could be raised against the amendment simply because the amendment, if it stood by itself, was new legislation. On March 17, 1898, the same ruling was again made, that the matter being properly before the House, although subject to a point of order if raised in time, was open to amendment, and the point of order could not be raised that the amendment changed existing law or was new legislation.

Mr. ADAMS. I would like to call the attention of the gentleman to the language of the section that follows.

Mr. ROBERTS. I do not care about the section that follows. We are not discussing that. We are discussing the amendment offered to this section. The section which follows has nothing to do with the matter before the House or before the Chair for decision. I do not care anything about that language. I know it. I drafted it myself.

Now, there is one other ground upon which the gentleman from Pennsylvania [Mr. ADAMS] rests his point of order; that, thirdly, the amendment I have proposed limits and restricts the discretion of the Secretary of the Navy. Where does the gentleman find the law which specifies what is to be the discretion of the Secretary of the Navy? Where does he find any provision which limits or enlarges the discretion which that officer has?

But whether there is a law defining that discretion or whether the Secretary of the Navy gets his discretion under the Constitution of the United States, the language in lines 7, 8, 9, and 10 of this bill is a limitation on his discretion; and if the point of order

is good against my amendment, it would have been good against those lines. The point was not raised. Therefore the discretionary power of the Secretary of the Navy contained in these lines is open to an amendment.

Just one concluding statement. When the last appropriation bill from the Naval Committee, which carried an authorization of ships, was under discussion the gentleman from New York [Mr. FITZGERALD] offered an amendment providing that ships should be built in the navy-yards; and after debate, and after the reading of the statute of the United States which is said to regulate the building of these ships, but which I think all sensible and reasonable men must conclude has no bearing whatever upon the subject, Mr. Moody, then occupying the chair, made this decision:

The amendment offered by the gentleman from New York seeks to amend this section in such a way that the President be authorized to construct these ships enumerated in the section either by contract or in the navy-yards of the United States. The provision reported by the committee only authorizes the construction of the ships by contract. There has been no general law suggested to the Chair which would be altered by the amendment proposed by the gentleman from New York. The Chair, therefore, is compelled to think that it is in order, in the absence of any such statute, and therefore overrules the point of order. The question is upon agreeing to the amendment.

But, Mr. Chairman, I want to pursue that just a little bit further. Suppose that the section of the Revised Statutes does regulate the building of ships in the navy-yards; will anybody tell me wherein any of the terms of that statute will be contravened by ordering ships to be built in navy-yards? Why, sir, if we put the building of ships into navy-yards, they have to be built under that section; all supplies must be advertised for. We do not contravene or change the law in that respect—not in the slightest degree. The work will go on in the navy-yards in the construction of the ships just exactly as it goes on to-day in the repair of ships. When they want material or supplies for repairs they advertise and get them by public proposals, and when they want material and supplies for the building of ships in the navy-yards they will still be regulated and governed by that law; there will be absolutely no change of existing law.

Mr. CANNON. Mr. Chairman, it seems to me that the provision extending from line 14 to the end of the paragraph upon which the point of order was raised, and upon which the Chair has just ruled, is "on all fours" with the provision in this amendment. If the point of order lay in one case it ought to lie in the other case. I can see no difference in principle.

It is not necessary to discuss what the Chair might have decided in the event that a point of order had been made against the whole paragraph; nor is it necessary to discuss whether this question was originally decided wrongly under the rules of the House, embracing a line of decisions under which the Navy has been practically constructed.

The only possible claim or excuse under which any part of this provision could at any time have been in order is that the law authorizes a navy, and this is an incident of that authorization. Now, take the provision as it stands. If enacted, there is no question that under it a navy could be further constructed. It is not necessary to hold this exact amendment in order to enable a navy to be constructed—to carry out the general provisions of the law. But this provision goes on and amends the law aliunde the construction of a navy, providing right upon its face that the Secretary of the Navy shall build at least one battle ship, etc.

Mr. TATE. Will the gentleman tell us what the statute means?

Mr. CANNON. Whatever the statute may mean, this amendment proposes to make new law. It undertakes to prescribe what the Secretary of the Navy shall do. Now, what do you want to accomplish by this? You want to force the building of three or more of these ships in navy-yards. That is what you want to accomplish. Now, under the law as it is to-day, can you do that? If so, then there is no use of this amendment. The very object of the amendment is to change the law.

Mr. ROBERTS. Will the gentleman pardon me—

Mr. TATE. Will the gentleman allow me—

Mr. CANNON. I decline to yield in toto until I finish this sentence—absolutely.

The CHAIRMAN. The gentleman declines to yield.

Mr. CANNON. And unqualifiedly. I say again the amendment—in my judgment, the whole of it—is subject to the point of order, but under the practice of the House, for the purpose of constructing a Navy—the general law authorizing a Navy—we have heretofore held it in order to provide for the construction of ships. Well, now, when that point is accomplished, in my judgment the Committee of the Whole ought not to go along in the whole field of legislation. I think the Chair had that in view a few moments ago when he sustained the point of order from line 14 or 13, whichever it was, to the close of the paragraph.

Mr. TATE. Will the gentleman allow me in that connection?

Mr. CANNON. Yes; in a minute.

Mr. TATE. Do you mean to convey the idea that the Congress has a right to provide for the building of ships, and yet it

has not the right to provide where and how those ships shall be built?

Mr. CANNON. I mean to convey the idea that this whole line of appropriations is vicious and against the rules of the House, and it should be held strictly, and we should not go one step beyond the point that Congress or the House or the Committee of the Whole went when it held this kind of appropriation and legislation in order. It is vicious, it is against the rules, and it ought to be strictly held. Now, if the chairman did not have that view of it, how in the world did the Chair just sustain the point of order from line 14 to the end of the paragraph?

Mr. ROBERTS. Does the gentleman want me to answer that for him?

Mr. CANNON. Oh, I am not hungering and thirsting for the gentleman to answer it. [Laughter.]

Mr. TATE. Surely my friend from Illinois does not mean to say that the power to authorize the building of a battle ship does not carry with it the power to say where and how it shall be built?

Mr. CANNON. Well, I think under that law that the President has certain power, but this steps in and changes that power; it makes it mandatory upon the Secretary that he shall do so and so. It is legislation from the crown of its head to the sole of its foot, in my judgment, and unwise legislation, legislation against the rules of the House, and from every standpoint of proper construction I believe the point of order ought to be sustained.

Mr. TAYLER of Ohio. Mr. Chairman, the observations just made by the gentleman from Illinois [Mr. CANNON], that the ruling that the Chair made a moment ago on the point of order made by the gentleman from Maryland [Mr. MUDD] made it necessary that he should sustain this point of order, indicates what I have apprehended from the beginning of this discussion, that one very important consideration in this matter has been overlooked. Whatever may be done with this point of order, it will not be sustained because the Chair sustained the last one, for the reason given by the gentleman from Illinois.

Now, I am not much of a parliamentary sharp, but I understand that the paragraph down to the point whereto the amendment is proposed is passed. It is no longer subject to the point of order, but only to amendments. Now, that paragraph differs from every paragraph similar to it that has yet appeared in a naval appropriation bill, and it differs from it in a particular so important that it seems to me that it settles the question of the propriety of this amendment. That paragraph stands now subject to proper amendment, and necessarily subject to every provision needful to perfect it. Now, this proposition does not declare that the Secretary of the Navy shall construct by contract alone. It says he shall construct by contract "except as herein otherwise provided," so that the provision that is already passed, that is beyond the reach of any point of order, makes it necessary that we shall provide some other way of building a naval vessel than by contract.

Now, then, whatever there may be in the original proposition that was wrong, it stands, and whatever is necessary to make that perfect must be as proper as the original paragraph itself. Now we go on to perfect this provision. The point of order that the Chairman sustains related to portions of this section that are not referred to in the phrase "except as herein otherwise provided." The provisions thus stricken out were limitations merely on the method of contracting. The provision that is sought to be inserted by this amendment is to comply with that limitation upon the contract, not as to its methods, but that some of these vessels should be otherwise built than by contract. Such alone is the purpose of this amendment. It is not only proper; it is necessary. The bill as it stands now demands the addition of some provision for building ships otherwise than by contract.

Mr. ROBERTS. Mr. Chairman, if the committee will bear with me just a moment, I would like to give it information that the gentleman from Illinois [Mr. CANNON], not now in his seat, was so anxiously inquiring for a few moments ago. He says, Why did the other lines of the bill go out on a point of order? They went out on a point of order because they were contrary to the rule, and the point of order was raised. But the point of order has not been raised on lines 7, 8, 9, and 10, and can not now be raised, and under the rule those lines, and all that precede in that paragraph, are subject to proper amendment. And there is where the Chairman of this committee can very properly distinguish between the two rulings on a point of order, which at first blush might seem to involve the same ultimate decision.

Mr. MUDD. Mr. Chairman, just a word. The gentleman from Ohio [Mr. TAYLER] argues, if I understand him correctly, that the jurisdiction to entertain the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS] is given by the words following the words—

constructed by contract—

Those words being—
except as herein otherwise provided.

The gentleman from Ohio will hardly contend seriously, I think, that an exception of that kind gives to the committee the jurisdiction to make an illegal or unparliamentary amendment. That language must be read to mean, except as otherwise provided in accordance with law and the rules of the House. It can not mean anything else, and can not give any further authority and jurisdiction than that.

Now, Mr. Chairman, it seems to me that gentlemen lose sight of the point here. No one is arguing against this, because it is a provision not previously authorized by law. That is not the point wherein we contend this is obnoxious to the rule, but the point is that this provision is a change of existing law.

Mr. TATE. Will the gentleman please state what law it changes, if any?

Mr. MUDD. I do not understand the gentleman.

Mr. TATE. I should like to know what existing law it changes. I have heard that statement made on that side, and I should like to know what law the gentleman refers to.

Mr. MUDD. I will answer that question as to what existing law it changes. Gentlemen seem to think that in some way this is a limitation upon an appropriation. That is not the case at all. If this provision were a mere limitation upon the quantum of appropriation, or a limitation upon expenditure, it would be in order; but it is not that. It is a limitation upon the discretion of an officer of the law, and that is wherein it changes existing law. The discretion of the President of the United States, not only in a legal sense, but in an actual sense, is an existing fact and is an existing law, wherein he is authorized to exercise it; but a new provision, where none had existed before, limiting by mandatory requirement the exercise of that discretion, is clearly a change of existing law.

Mr. TATE. Will the gentleman allow me to suggest that the President does have this discretion until this bill becomes a law?

Mr. MUDD. Even if it be seriously contended that because there is now in the bill, unobjectioned to, a provision authorizing the President to have these vessels constructed by contract, there being no point of order made against that provision, it can not be contended that a provision abrogating that discretion by a mandatory clause, saying that the authority and discretion are entirely taken away, is in order.

Now, I will not argue this further, except to call attention to an authority upon this point. I read from section 531 of Parliamentary Precedents, a work written by the gentleman who furnishes parliamentary information to so many of us in this House and who aids the Chair as well as the rest of us.

Section 531 is to the following effect:

It has generally been held that provisions giving a new construction of law—

That is not this case—

or limiting the discretion which has been exercised by officers charged with the duties of administration are changes of law within the meaning of the rule.

That is the authority that governs this case and upon which I think the Chairman may safely rely. This amendment does limit and circumscribe the discretion of the Secretary of the Navy in the most mandatory way in which it could be done.

Mr. RIXEY. As the matter now stands, there is no discretion in the Secretary of the Navy. He has to build by contract. This amendment proposes to direct him to build in another way.

Mr. MUDD. That is a change of existing law.

Mr. RIXEY. Suppose the amendment does not prevail, then there is no discretion.

Mr. MUDD. If it does not prevail, it does nothing. If it does, it is making a new law as to how he shall exercise his discretion, different from the free exercise of it or the usual exercise of it or the character of exercise of it authorized in the bill. It is in no sense akin to or germane to the manner or scope of the authority committed to him by the provisions of the bill as proposed, and is, in my judgment, against the letter and the spirit of the rule.

The CHAIRMAN. The Chair thinks that the section of the Revised Statutes to which the gentleman from Pennsylvania [Mr. ADAMS] refers does not control in this case. In the opinion of the Chair that section does not cover such a provision as is included in this section of the bill; but the universal holdings of Speakers and Chairmen—that in the absence of any statute the creation of a statute is a change of existing law—does apply in this case. Now, the gentleman from Massachusetts [Mr. ROBERTS] argues, and properly argues—to that extent—that this provision was susceptible to a point of order, had the point of order been raised.

That point of order not having been raised, his contention is that it can be amended in any way, and he cites, amongst other rulings in support of that contention, a ruling of Mr. Speaker Carlisle, a most eminent parliamentarian; but the Chair notices in reading that decision that Speaker Carlisle expressly says that a provision before the committee which would have been out of

order had the point been raised, the point not having been raised is amendable; but he says that that amendment may be made either by increasing or diminishing the amount of the appropriation, clearly showing that in Speaker Carlisle's mind there was this idea, that the section could be amended in any germane manner within its original scope.

Nothing in Speaker Carlisle's opinion indicated any thought that the scope of an amendment could be enlarged by an amendment if the provision originally would have been susceptible to a point of order. Now, the amendment offered by the gentleman from Massachusetts, as a separate proposition, clearly would be susceptible to a point of order. The Chair thinks the gentleman from Massachusetts himself would admit this. Therefore it seems to the Chair that the question has resolved itself into this: Can the committee do by indirection that which it can not do directly? It seems to the Chair it is a very dangerous precedent to establish to permit such a thing to be done.

The Chair admits that the disposition of this point of order is embarrassing to him. As the Chair remembers, this is the first time he has disposed of a point of order while occupying this chair about which he did not feel absolutely clear, and certainly the Chair must admit that there is some little doubt in his mind about this question; and yet he thinks that the fact that the committee ought to be prevented from doing by indirection that which it can not do directly ought to prevail. This amendment, had it originally been in the text of the bill, unquestionably would have been held out of order. Therefore the Chair sustains the point of order against the amendment.

Mr. ROBERTS. Mr. Chairman, in view of the doubt in the mind of the Chair, I would respectfully beg leave to appeal from the decision.

The CHAIRMAN. The gentleman from Massachusetts appeals from the decision of the Chair; and the question is: Shall the decision of the Chair stand as the judgment of the committee.

The committee divided, and there were—ayes 85; noes 73.

Mr. TATE. Tellers!

Tellers were ordered.

The CHAIRMAN. The gentleman from Georgia [Mr. TATE] and the gentleman from Illinois [Mr. Foss] will please act as tellers.

The committee again divided, and tellers reported—ayes 86; noes 109.

So the appeal from the decision of the Chair was sustained.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was put.

Mr. FOSS. Mr. Chairman, I call for the reading of the amendment.

The CHAIRMAN. If there be no objection, the amendment will be read.

Mr. FITZGERALD. I make the point of order that the committee is dividing.

Mr. WILLIAMS of Mississippi. I object.

The CHAIRMAN. Objection is made.

Mr. PAYNE. The gentleman arose and addressed the Chair for the purpose—

The CHAIRMAN. The gentleman made the request that the amendment be read. The amendment can not again be reported except by unanimous consent. The Chair will recognize the gentleman to debate the amendment.

Mr. BALL of Texas. A parliamentary inquiry.

The CHAIRMAN. The committee will be in order.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry.

The CHAIRMAN. All gentlemen will please cease conversation. The committee will be in order before any business is transacted.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry.

The CHAIRMAN. The gentleman from Texas first rose.

Mr. BALL of Texas. Did not the Chair declare that the amendment of the gentleman from Massachusetts carried?

The CHAIRMAN. The Chair did not so declare.

Mr. FITZGERALD. The Chair announced one side.

Mr. WILLIAMS of Mississippi. Did not the Chair announce the vote—the numbers in the affirmative and the numbers in the negative?

The CHAIRMAN. That was on the appeal from the decision of the Chair. The question is on the amendment. The gentleman from Illinois is recognized in opposition to the amendment.

Mr. FOSS. I desire the House to pause for a moment to hear what this amendment is. I will ask the Clerk to read the amendment in my own time.

The CHAIRMAN. The gentleman from Illinois asks that the amendment be read in his time.

The Clerk read as follows:

Provided, That the Secretary of the Navy shall build at least one of the battle ships, one of the armored cruisers, and one of the gunboats herein au-

thorized in such Government navy-yard or navy-yards as he may designate; and for the purpose of preparing and equipping the navy-yard or navy-yards as may be so designated for the construction of such ships the sum of \$175,000, or so much thereof as may be necessary, is hereby appropriated for each of the navy-yards in which the Secretary of the Navy may direct any such ship or ships to be built.

Mr. FOSS. I desire to have the committee completely and fully understand what this proposition means. We have already experimented upon building ships in the navy-yards, and we have found by past experience that it costs anywhere from 25 to 50 per cent more. That was true in the case of the *Texas* and the *Maine*, the *Raleigh* and the *Cincinnati*. Now, it has been said that our navy-yards at that time were not in as efficient condition as they are at the present time. That is undoubtedly true. But I wish to have the committee hear a statement of Admiral Bowles, the last expression which he has made to the committee upon this question, as to the relative cost between building ships in Government yards, as they are to-day, and under private contract. Here is a letter which he directed to the Secretary of the Navy. He says:

In case it is decided to build a battle ship or an armored cruiser in any navy-yard, it would be necessary to have a simultaneous appropriation of \$175,000 to provide a slipway, traveling crane, and to carry electric and pneumatic power to the building slip in order that the navy-yard plant should be on an equality with private yards in mechanical facilities for shipyard work.

After we have made appropriations for every navy-yard in which a ship is to be built, he says:

In my judgment, a vessel built in a navy-yard under existing conditions, as to administration, wages, hours of labor, leaves of absence, etc., would cost, by the least estimate, 25 per cent more than if built by contract.

That is the judgment of Admiral Bowles, the Chief of the Bureau of Construction and Repair. So I call the attention of the committee to it at this time because I wish them to understand that if the battle ship or armored cruiser or gunboat costs, as Admiral Bowles says it will cost, 25 per cent more to build in a Government navy-yard—

Mr. CLAYTON. May I interrupt the gentleman?

Mr. FOSS. What is it?

Mr. CLAYTON. Does Admiral Bowles give any facts or detailed statement or specific reason for the basis of that opinion which you have quoted?

Mr. FOSS. He has given it in previous hearings.

Mr. CLAYTON. Has he not in previous hearings expressed the contrary opinion to that you have read?

Mr. FOSS. No; not on the subject of cost.

Mr. CLAYTON. I am so informed.

Mr. TATE. He did advocate the building of ships in the navy-yard two years ago.

Mr. FOSS. When he was constructor at the New York Navy-Yard he advocated the building of ships in the navy-yards, but he never said in his hearing at that time that it would cost less to build a ship in a navy-yard than under private contract.

Mr. FITZGERALD. I want to call the gentleman's attention to the fact that he did say that, and I will read it. He said:

I will guarantee, if I had three months to start it, I could do in the New York Navy-Yard what can not be done in any organization in this country. I could build ships cheaper than anyone can, and I know it.

He has never produced any facts as a basis upon which to change his opinion since that time. That was in 1897, and since that time the navy-yards have been equipped to a much higher point of efficiency.

Mr. FOSS. Admiral Bowles said, substantially, "if you will let me make the conditions I will build a ship cheaper in the Government yard, or as cheap, as under private contract."

Mr. CLAYTON. Mr. Chairman—

Mr. FOSS. I do not care to be interrupted further. I want to answer this question.

Mr. RIXEY. Mr. Chairman, I want to ask the gentleman if he will permit me to read from Admiral Bowles's statement.

Mr. FOSS. I am going to take—

Mr. CLAYTON. You called Admiral Bowles as a witness, now let us cross-examine him.

Mr. FOSS. After the direct examination is finished, and not until then. We are proceeding with the direct examination, and the cross-examination always comes afterwards. [Laughter.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOUD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5381. An act to correct errors in dates of original appointments of Capt. James J. Hornbrook and others;

S. 1022. An act for the relief of Alvin M. Ryerson;

S. 4515. An act granting an increase of pension to Alfred O. Blood;

- S. 959. An act granting an increase of pension to William H. Green;
 S. 3212. An act granting a pension to Ellen A. Sagar;
 S. 3617. An act granting a pension to Leonora V. Stacy;
 S. 5141. An act granting an increase of pension to Charles Barrett;
 S. 4064. An act granting a pension to Betsy Gumm;
 S. 4766. An act granting a pension to James P. McClure;
 S. 5403. An act granting a pension to Lyman Hotaling;
 S. 4348. An act granting an increase of pension to James Thompson;
 S. 5152. An act granting an increase of pension to Marcellus M. Martin;
 S. 4809. An act granting a pension to Henry J. McFadden;
 S. 5206. An act granting an increase of pension to John M. Wheeler;
 S. 5466. An act granting an increase of pension to Edgar T. Chamberlain;
 S. 5669. An act granting an increase of pension to Charlotte M. Howe;
 S. 4912. An act granting an increase of pension to Maggie L. Reaver;
 S. 5227. An act granting an increase of pension to Elizabeth Whitty;
 S. 5670. An act granting an increase of pension to Samuel H. Chamberlin;
 S. 5650. An act granting an increase of pension to William R. Raymond;
 S. 5133. An act granting an increase of pension to Augusta Neville Leary;
 S. 5007. An act granting an increase of pension to James Irvine;
 S. 2535. An act granting an increase of pension to Annie E. Joseph;
 S. 5759. An act granting an increase of pension to Charles T. Crooker;
 S. 3819. An act granting a pension to William A. P. Fellows;
 S. 4934. An act granting an increase of pension to Francis McAdams;
 S. 5079. An act for the relief of George P. White;
 S. 4764. An act granting an increase of pension to Queen Esther Grimes;
 S. 4509. An act granting an increase of pension to Robert Lemon;
 S. 3292. An act granting a pension to Henry L. Reger;
 S. 1908. An act to authorize the establishment of a biological station on the Great Lakes under the control of the United States Commission of Fish and Fisheries;
 S. 4204. An act relating to grants of land to the Territory and State of Washington for school purposes;
 S. 4617. An act to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes;
 S. 5316. An act providing for an additional circuit judge in the eighth judicial circuit;
 S. 4995. An act to establish an additional life-saving station on Monomoy Island, Massachusetts;
 S. 2162. An act to increase the efficiency and change the name of the United States Marine-Hospital Service;
 S. 1694. An act to provide for compensation for certain employees of the Treasury, War, and Navy departments; and
 S. 1115. An act for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 10144. An act to donate to the State of Alabama the spars of the captured battle ships Don Juan d'Austria and Almirante Oquendo.

The message also announced that the Senate had insisted upon its amendments to the bill H. R. 8587, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. TELLER, and Mr. MASON as the conferees on the part of the Senate.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. FITZGERALD. Mr. Chairman, I ask that the time of the gentleman from Illinois be extended five minutes.

The CHAIRMAN. The gentleman from New York asks that the time of the gentleman from Illinois be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. Admiral Bowles says, substantially, "You let me make the conditions and I think I can build your ships just as cheaply as they can be done under private contract."

Mr. GAINES of Tennessee. Where is that testimony?

Mr. FOSS. How did Admiral Bowles want to change the present conditions in order to do that? In the first place, he wanted to make the hours of labor the same in the Government yards as in the private yards. Now, there is a difference of between eight and ten hours. He wanted to wipe out the leaves of absence, which cost the Government in the navy-yards a million and a half dollars, at least, a year. Not only that, but he said he wanted to work the labor in the navy-yard by the piece and not by the day, the same as in private yards. What more? He wanted to wipe out all the holidays. Then he said, "I want to reduce all the wages which we are paying 30 or 40 per cent." We are paying 30 or 40 per cent more in the navy-yards than we are in the private yards, and he wanted to reduce them down to the level of the private yards.

Mr. CLAYTON. That is the object in your position here to-day?

Mr. FOSS. I am giving you what Admiral Bowles said. Let me make the conditions and I will build your ships as cheaply in the Government yards as they can be built under private contract. But under the present conditions, with the hours of labor different, with the wages 30 and 40 per cent more, with two weeks' leave of absence, with seven or eight holidays during the year, it will cost 25 per cent more. There is his statement. In other words, gentlemen, if you vote for this provision, you must do it with your eyes open. You will add to the appropriation for the cost of construction of ships 25 per cent to the cost of the battle ship which is to cost seven and a half million dollars. You will add 25 per cent more to the cost of an armored cruiser which will cost under private contract six and one-half million dollars. If the Admiral is right, you will add \$3,000,000 to the cost of the construction of your ships provided for in this bill.

Mr. GAINES of Tennessee. Mr. Chairman—

Mr. FOSS. No, I will not yield to anyone. I do not want to be discourteous, but I want to finish my argument.

Now, you will do that. I call your attention to this matter, because, if you do this, I want you to do it with your eyes open to all the facts of the case. It is costing money to build up the American Navy. It costs \$6,000,000 or \$7,000,000 to build a battle ship, and it costs a thousand dollars a day to maintain it after it is built. Can we, as representatives of the people, charged with the duty of guarding with jealous care the public Treasury—can we consistently appropriate two or three million more for the construction of these ships simply to satisfy a demand which has largely been manufactured for the construction of ships in our navy-yards?

Why, sir, the men in our navy-yards are well employed to-day. As we proceed with the construction of ships they will have more and more to do. You are not helping them out by such a measure as this at all. If they are not employed in the navy-yards, they will be employed in the private yards. But all of them are well employed to-day. By this provision you are, in my judgment, simply adding to the cost of the construction of your ships. You are voting against the interests of the taxpayer, and in the end you will bring public condemnation upon the Navy for extravagant appropriations. These are serious questions for you to consider, and I desire simply to call your attention to them before you come to a vote.

As I said the other day, I have given some consideration to this question. In England, in France, in Germany, where the conditions in private yards and in Government yards are on a basis of equality, even in those countries, ships can not be built as cheaply in the Government yards as they can in the private yards. In Germany, with conditions equal, the cost is at least 10 to 25 per cent more to build in Government yards. Now, with all the experience before you of our own country, and also in foreign countries, in the building of ships, will you add to the cost of the construction of these ships, according to the statement of our best naval authority upon this subject, 25 per cent, to be taken out of the pockets of the American people?

Mr. DAYTON. Mr. Chairman, I want to call the attention of the committee to the fact that there is already in this bill a provision for the building of a ship in one of our navy-yards. The purpose of that provision (and the provision is full and complete) is that there may be an honest contest, and an honest account kept, to determine whether or not ships can be built in the navy-yards as cheaply as by private contract. That provision, I repeat, is already in the bill.

Now, this amendment provides that three of these ships shall be built in navy-yards. If the friends of the project of building ships in our navy-yards are honest and sincere and want this experiment made in a fair way, and if they are not afraid of the result of that experiment, why do they demand that this experiment shall be made with more than one ship, when, according to the highest authority, it is shown that each experiment of this kind upon a battle ship will cost a million dollars to this Government? I ask this Committee of the Whole, in all fairness and

all reason, that if we are to test this question, it be done in a businesslike way. Let us not proceed in this matter extravagantly.

I have tried my very best to bring myself to the conclusion that ships can be built in navy-yards as cheaply as by contract. I have honestly come to the conclusion that it can not be done. There are very many others who have reached that conclusion. The Secretary of the Navy reached that conclusion, and I may say that substantially every chief of bureau in the Navy Department has reached that conclusion. Those who have given the subject the most careful and thorough consideration have reached that conclusion. Why? Because, in the first place, the hours of daily labor are eight in the navy-yards, while they are ten where the work is done under private contract. Then, again, wages are from 15 to 30 per cent higher in the navy-yards. Then, also, two weeks' vacation, with pay, is given in the navy-yards. All the conditions point to the fact that it must necessarily cost more to build a battle ship in a navy-yard than by private contract.

But in order to settle this question the Naval Committee, in its wisdom, has provided in this bill that one of the ships should be built in a navy-yard, and that a full and accurate account should be kept by the Secretary of the Navy of the expenditures in the construction of this ship, and also in the construction of similar ships by contract, so that we could make a comparison fairly and squarely. Now, is not that enough? Why should there be an insistence upon the amendment of the gentleman from Massachusetts that three of these vessels shall be built in Government navy-yards, when the result must be that if it should turn out that it cost \$1,000,000 more, as the weight of authority indicates, to build one of these ships in a Government yard the experiment will cost us \$3,000,000 instead of \$1,000,000?

Mr. TATE. The reason for urging this amendment is that the question of relative cost is now before us, and we must dispose of it. If we provide for building one vessel of each class by contract, and one of each class in the navy-yards of the country, we can arrive at the exact cost in each case and settle this question.

Mr. DAYTON. I have the very highest regard for the judgment and good business sense of my friend from Georgia, with whom I have been associated for a number of years; but I submit that his logic on this question will not hold at all. If you can make an accurate comparison by building three, you can make such a comparison by building one. Certainly we do not want to take any more risk of loss than is necessary.

Answer me this question: If in your ordinary business affairs you were contemplating a change of this kind, under such circumstances that you had absolutely no reason for reaching the conclusion in advance that you would save money, if you were in doubt whether by making the change you could do as well as you had been doing and lose no money, would you embark upon such a change in a wholesale manner or tentatively? What we want to do is to get at the facts in regard to this. My friends are greatly mistaken when they think that this is in the interest of the laboring men of this country. It simply means this: The navy-yards of this country can employ only a limited number of laboring men in them, and when that limit is reached no more can be employed. It is taking the labor from one class of men and giving to those who already have, giving one an abundance of work, but at the expense of the other.

Mr. CLAYTON. Does it not take the same amount of labor to construct a ship in a navy-yard as in a private yard?

Mr. DAYTON. That is true, if the yards had the room to do it, but you understand it is the question of capacity.

Mr. CLAYTON. Does it not take the same construction and capacity in one place as in the other?

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAYTON. I ask to be permitted to continue two minutes in order to answer this last question.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended for two minutes. Is there objection?

There was no objection.

Mr. DAYTON. Here is the question: There must necessarily be in the navy-yard a considerable number of men engaged in repair work. That must go on, and then there is only a limited capacity in the yard for these additional laborers to continue the work of construction on the ship.

Mr. CLAYTON. I hope the gentleman does not charge the repair work to the construction of a new vessel.

Mr. DAYTON. Oh, no; not at all. I say it is a question of the capacity of the yard. What would be the result? The work will continue for a long number of years—the construction—twice as long as it would in a private yard, and the select few in that yard will have labor continuously which otherwise would have gone to the workmen in the private yards.

Mr. HANBURY. Will the gentleman yield to a question?

The CHAIRMAN. Does the gentleman yield?

Mr. DAYTON. Yes.

Mr. HANBURY. Will the gentleman answer this question? Where will the enormous profits derived from the building of ships by private corporations go if the battle ships are built in the Government navy-yards?

Mr. GAINES of Tennessee. They will stay in the pockets of the people; that is where they will go.

Mr. DAYTON. I want to answer the gentleman that I do not think there are enormous profits. I think when it is taken into consideration that a shipbuilder furnishes us the completed product, carries all questions of insurance, and guarantees that that ship shall be a perfect machine, which has to be tested and tried before acceptance, the profits in the shipbuilding industry are less than in any other in this country.

[Here the hammer fell.]

Mr. ROBERTS. Mr. Chairman, it is very pathetic indeed to hear the gentleman from West Virginia [Mr. DAYTON] pleading with this committee in the interests of the laboring man and asking us to direct where work shall be done solely for the benefit of the laboring man. Why, Mr. Chairman, the laboring men of this country, through their national organizations of the skilled trades interested in shipbuilding, came before the gentleman from West Virginia, sitting in committee, and they did not plead to have this work done in private yards because it would be for their benefit or that they would be better off if it should be done there. They were men working in both public and private yards, and they are supposed to know the conditions that apply in those two yards.

Mr. DAYTON. Will the gentleman permit me?

Mr. ROBERTS. And they say if they are to be consulted they would like to have at least some of this work done in the Government yards.

Mr. DAYTON. Will my friend permit me to ask him a question? Did not those representatives distinctly state that they did not want all the work done in the navy-yards, but they wanted a test, an experiment made, and that this would be satisfactory?

Mr. ROBERTS. Why, my dear sir, I have not made any statement that the laboring men wanted all the work done in public yards. If the gentleman will listen to what I am saying he would know I made no such statement and said nothing from which such an inference could be drawn. Now, the chairman of our committee, a gentleman whom I esteem very highly, has what seems to me one of the most peculiar consciences I have ever seen. You will find in his speech made the other day that he favors building one battle ship or one armored cruiser in a navy-yard, and he then went on to explain to this House that it might cost 50 per cent more to build it in that public yard than in a private yard. His conscience would stretch to the extent of a 50 per cent excess of cost of one ship in order to do this work, while to-day it can not stretch to the extent of a 50 per cent excess of cost of two ships.

Mr. CLAYTON. May I interrupt the gentleman?

The CHAIRMAN. Does the gentleman yield?

Mr. ROBERTS. Oh, I will yield to the gentleman.

Mr. CLAYTON. I merely wish to suggest that the chairman of the committee has changed his opinion, like Admiral Bowles, who has changed his, and it makes us busy keeping track of the changes of opinion of those in authority.

Mr. FOSS. Mr. Chairman, my colleague on the committee does not certainly wish to put me in a bad light here.

Mr. ROBERTS. Oh, no; not at all. I have too high a regard for the gentleman.

Mr. FOSS. I have said that I am in favor of building one ship in the navy-yard as an experiment, to find out—

Mr. ROBERTS. That is all I said. I have said only that.

Mr. FOSS. To find out whether we have been paying exorbitant prices to shipbuilders, and as a sort of guide for the future policy of the construction of the Navy; but I was in favor of building only one, not three.

Mr. ROBERTS. I decline to yield, Mr. Chairman. I have the floor and I have only five minutes.

The CHAIRMAN. The gentleman declines to yield further.

Mr. FOSS. I thank the gentleman for yielding to me.

Mr. ROBERTS. What I said was that the chairman was willing to stretch his conscience in this robbery of the taxpayers to the extent of 50 per cent of the cost of one battle ship, but it was so tender that he could not stretch it to rob them of 50 per cent of the cost of two battle ships.

Mr. TATE. Will the gentleman allow one question?

Mr. ROBERTS. I have only five minutes.

Mr. TATE. I want the gentleman to state the matter fairly and to say further that the chairman of the committee [Mr. Foss] was in favor of giving discretion to the Secretary of the Navy to build all these battle ships in public yards.

Mr. ROBERTS. I was coming to that. I wish the gentleman would let me make my own speech. It would please me better.

Mr. TATE. I beg the gentleman's pardon.

Mr. ROBERTS. However, since the gentleman has informed

the committee that the chairman of the committee [Mr. Foss] in committee and on the floor of this House was willing to give the Secretary of the Navy discretion to build all the ships in public yards where, as he says, the cost will be 50 per cent more than in a private yard, his attitude when we attempt to instruct the Secretary as to the exact number he shall build seems to me rather peculiar.

Now I want to call attention to one thing in the amendment which is now pending. If the members of the committee will examine it they will see that the discretionary feature which appeared in the bill originally has been eliminated, and if the amendment is adopted then the Secretary of the Navy must build one of each class of vessels authorized by contract and one of each class in a Government yard.

Mr. WM. ALDEN SMITH. I should like to ask the gentleman from Massachusetts [Mr. ROBERTS] if he does not think that the bill as originally reported from the committee gives a discretionary power to the Secretary of the Navy to build all these ships in a Government navy-yard if he wants to?

Mr. ROBERTS. Oh, yes, Mr. Chairman; I have just stated that that was what the bill originally contemplated; but my amendment has done away with that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBERTS. I ask that my time be extended ten minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that his time be extended ten minutes. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Now, just one moment.

Mr. ROBERTS. I want to answer the gentleman from Michigan [Mr. WM. ALDEN SMITH] first. Now, Mr. Chairman, if the amendment I have offered is not adopted, when you come to the provision authorizing one ship to be built in a Government yard and giving discretion to the Secretary of the Navy to build them all, when you reach that stage, it will all go out on a point of order, and you will have nothing built in a navy-yard, and you will leave no discretion in the Secretary of the Navy.

Mr. WM. ALDEN SMITH. I should like to know if it would not be to the interest of the Government to leave this discretionary rather than mandatory upon the Secretary of the Navy?

Mr. ROBERTS. Mr. Chairman, I am not so clear in my own mind about that. I think that is a matter of individual opinion. I think I know the state of mind of the Secretary of the Navy, and if I understand his state of mind, he does not want this discretion vested in him, because it may mean all sorts of complications, and all sorts of pressure brought to bear upon him. He would prefer definite action one way or the other on this question of building ships in public or private yards.

Mr. WM. ALDEN SMITH. I should like to ask the gentleman from Massachusetts if, in making that statement, he is authorized to say that the Secretary of the Navy does not desire it.

Mr. ROBERTS. I am not, and I did not say that I was authorized. I said that I thought I knew the state of mind of the Secretary of the Navy, and that if I did know it, that was the fact. I did not say I was authorized to make any statement. Now, I will yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Is it not a fact that in the private yards they are crowded with work, being from twenty months to three years behind?

Mr. ROBERTS. I do not know anything about the private yards. I have not the slightest knowledge about that. They may be crowded with work and they may not be, but that has no bearing on my view of the case.

Mr. GAINES of Tennessee. I was about to state to the gentleman—

Mr. ROBERTS. If the gentleman wants to get in, will he kindly let me conclude? Then he will get his opportunity all the sooner.

Mr. GAINES of Tennessee. If the gentleman does not want to be interrupted, I am perfectly willing to wait. I merely desired to give him a little information.

Mr. ROBERTS. I have been interrupted so much that I prefer not to be interrupted further. I have only a few moments.

Now, one or two facts with regard to building ships in public or private yards. It must be evident to the members of this committee, from the debate which has gone on here for days on this subject, that there is at present in the possession of the Navy Department and in the possession of members of this body no definite information upon which we can base our decision as to a final and settled policy in this respect. It is asserted here that this is going to cost anywhere from 25 to 70 per cent more to build a ship in a Government yard than to build the same ship in a private yard.

Gentlemen can not seem to agree upon what this excess of cost is going to be. But mark this, not one of these gentlemen who have been in favor of building these ships in private yards has

risen on this floor and told this committee that in addition to the contract price which we must pay the private builders, this Government is paying out on each and every one of our great battle ships built in a private yard, where the cost runs up to three or four million dollars, anywhere from one hundred and fifty to two hundred thousand dollars in addition, an amount which goes, not to the constructor of that ship in the private yard, but paid in wages to Government employees who are stationed in these private yards inspecting the construction of that ship, and you only get at the cost of the Government ship built in the private shipyards when you add on all this cost of inspection to the contract price. Then you get at the sum total you pay for the ship.

Now, as to my private opinion, I want to state to this committee that personally I am not committed to the continued policy of this Government building all its ships in its own yards, nor to the policy of all our ships being built in private yards. There is a great sentiment, I believe, throughout this country that the Government of the United States, with a hundred million dollars invested in navy-yards, should do something in those yards besides the mere repairing of ships now in existence or that may be built hereafter. I believe, and my belief is strengthened by the diverse contentions on each side of the proposition, that it is in the interest of the Government, although the cost of these ships may perhaps exceed slightly the cost that would be incurred if they were built in private yards, to undertake the experiment.

You can not find a case where the Government has built a ship in a public yard that you can get an exact comparison with one built in a private yard, for the reason that never have two ships of the same size, the same class, and the same cost been constructed one in a public yard and the other in a private yard at the same time, when conditions would be absolutely equal. And that, Mr. Chairman, is my reason for offering the amendment now before the committee, in order that this experiment may be tried fully and completely. We have some figures of ships built in Government yards, but you can not find anywhere a sister ship built in a private yard at that or any other time.

The comparison must be a relative one, and on such a comparison this question will never be settled. But if we authorize one of each class to be constructed simultaneously, one in a Government yard and one in a private yard, we shall have the conditions as to price of labor, price of materials, the time which it takes to construct the ships, and everything else exactly equal, and then we can get the results on which a future House can pass judgment as to what shall be the policy of the Government.

Something was said the other day as a reason why we should not build the ships in Government yards that if the ship was a failure the Government must suffer the loss, whereas if it was built in a private yard and the ship was a failure the loss would fall upon the private contractor. I would like to ask the chairman of the committee, or any member of this House, if he will point out an instance where a ship built in a private yard has not been ultimately accepted by the Government? The silence, Mr. Chairman, which pervades this Chamber in not answering my inquiry must settle that question. The Government pays a good round price for the ship whether it is built in private yard or a public yard.

As a further, and the last, reason for the building of these ships in a Government yard, I do not believe it is a good policy for this Government to go on maintaining these great navy-yards, representing enormous investments of money, simply for the purpose of repairing ships, leaving the original construction entirely in the hands of private contractors. I believe, too, if the Government can build a ship in its own yards at a little increased cost, it is well to do so, in order that it may ultimately have the trained, skilled, and competent force of men who, in emergency or in a time when the private contractor will not do the work cheaply for the Government or within the time the Government wants it done, the navy-yards may step in and relieve the Government of this embarrassment and build its ships. Even should the cost of this experiment run up somewhere near the figures named by the gentleman from Illinois, it is well to make the trial, for thereby we can get information which will settle once and for all the question of the policy to be involved hereafter.

Mr. RIXEY. Mr. Chairman—

Mr. FOSS. Will the gentleman yield to me for a moment?

Mr. RIXEY. Certainly.

Mr. FOSS. There are a number of members who would like to talk upon this amendment on this side of the House, and I understand there are some on that. I would suggest to my colleague from Massachusetts that we have, say, two hours of debate upon this question, one hour to be controlled by him and one hour by myself, and then take a vote—

Mr. ROBERTS. It seems to me, I will say, so far as I am concerned personally, this question has thoroughly been thrashed out in the general debate.

Mr. CANNON. But we have not said our pieces, and the gentleman has his.

Mr. ROBERTS. We are under the five-minute rule, and I think no gentleman will find any trouble in getting an extension of his time. With the number who want to speak a limit of two hours would not give more than five minutes to each.

Mr. CLAYTON. Regular order!

Mr. FOSS. I simply wanted to make the suggestion.

Mr. CLAYTON. The gentleman would not answer my question.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10782) granting a pension to Ole Steensland.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. WARREN, and Mr. TILLMAN as the conferees on the part of the Senate.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The gentleman from Virginia is recognized. The regular order being called for, this will be the last speaker on this amendment.

Mr. RIXEY. Mr. Chairman, it seems to me the shipbuilding plants in the country should not object to the test proposed by this amendment. This bill carries provision for only 6 ships, as follows: Two battle ships, 2 armored cruisers, and 2 gunboats. The contractors are now building 59 ships for the Government. We are now building under contract 8 battle ships, 6 armored cruisers, 9 protected cruisers, 4 monitors, a total of 27 war ships, and 30-odd of the smaller craft. The 27 larger ships will cost \$117,000,000, and all the ships which contractors now have will probably foot up \$150,000,000.

In this bill we are providing for only four large ships, and the amendment provides that two of these large ships and one gunboat shall be built in the navy-yards to secure a fair comparison. So far as I am concerned, I would be glad to see all of the four larger ships go to the navy-yards, because the contractors now have 29 battle ships, cruisers, and monitors to build. Four ships given to the navy-yards would not more than furnish us a fair comparison.

Admiral O'Neil states in regard to these battle ships now under contract by the shipbuilding plants that they will not be completed for two or three years. This is as good a time as we could have to try the experiment of building ships in the navy-yards. The private contractors have a number of them. Let us build at least one battle ship and one armored cruiser and one gunboat in the navy-yards.

Now, Mr. Chairman, something has been stated about the opinion of Admiral Bowles, and the chairman of the Committee on Naval Affairs brought in his statement that it would cost 25 per cent more in the navy-yards, and it was read for the first time during this debate.

I will read here a part of the testimony of Admiral Bowles taken before the Committee on Naval Affairs, when he could have been interrogated on all points in regard to it. I read only a few brief extracts. Admiral Bowles said, in reply to questions:

Mr. WHEELER. If I understand you correctly, it is your judgment that the service would be promoted if the Government should construct some ships in the navy-yards, regardless of cost?

Admiral BOWLES. I should not like to put it that way. I would say notwithstanding the handicap of some increased cost.

Mr. WHEELER. You spoke of the maintenance of these yards, with the ultimate view of getting them into better condition, so that in case of emergency, or otherwise, the Government would be ready to construct its ships at any time it should see proper?

Admiral BOWLES. Yes.

Mr. WHEELER. And you stated that at such navy-yards as Norfolk and New York you are now in condition to construct ships with a few additional changes?

Admiral BOWLES. Yes.

Mr. WHEELER. And as to the difficulties which you have suggested in the way of insurance, is it not true that the ships are now almost entirely constructed of steel?

Admiral BOWLES. Yes, sir.

Mr. WHEELER. Then, in your judgment, the Government can construct ships in its own navy-yards well-nigh as cheaply as ships can be constructed in private yards?

Admiral BOWLES. If it undertook it as a matter of regular practice.

Mr. WHEELER. And, in your judgment, it should do so?

Admiral BOWLES. To a limited extent; yes.

Mr. WHEELER. And the service would be promoted by reason of it?

Admiral BOWLES. I think it would, considerably.

In addition to this we have the testimony of another bureau chief, not second in importance to Admiral Bowles himself. Admiral O'Neil, of the Bureau of Ordnance, said in his hearing:

Yes; I think they can build ships now in the navy-yards as cheap as outside, because there is no question of profit; there is no question of interest on the investment, which is a great feature in private work. * * *

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. FOSS. Mr. Chairman, I ask that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Illinois asks that the time of his colleague be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RIXEY. Again he says: "Yes; I think we could get a better product. It may cost a little more, but it ought not to if the work is carried on conscientiously."

In addition to this Admiral O'Neil makes the statement that the navy-yard can build the ships as cheaply as the contractor. Admiral O'Neil also states, in regard to the last contracts, that the shipbuilders evidently got together on prices. I take it that he ought to know; I take it that that fact is a justification for this House to direct that the experiment shall be made by practical test so as to show what it will cost to build in the navy-yards of the country.

Now, Mr. Chairman, it has been stated in the hearings that it cost \$50,000 per annum to keep up the inspection at one of the private shipbuilding yards; that it costs the Government \$50,000 to inspect the work which is being done there. I want to say here in regard to the intimation that was made a few days ago, that we would have to have more officers on shore if we built in the navy-yards than we have now, that I think the contrary is true, because now we have constructors, and inspectors, and draftsmen, and other assistants both in the private yards and in the navy-yards. If we built in the navy-yards we would not have to have this double corps of inspectors, draftsmen, and constructors.

Mr. Chairman, it was stated, I believe, by the chairman of the Committee on Naval Affairs a few moments ago that the experience of England was that it cost more to build in the navy-yards than in the private shipyards. The gentleman is mistaken in that statement. The opposite is true. According to witnesses before the Naval Committee it was shown that England, Russia, France, and Germany are all building, largely in some instances, more than one-half of their war ships in their navy-yards. And the statement was that England is building ships more cheaply in her navy-yards than she could build them under contract.

I charge here that the gentlemen who now say that they favor the construction of only one ship in one of our navy-yards as an experiment are the same gentlemen who favored none until they were obliged to take this, and now they fear more. The friends of the proposition for navy-yard construction favor the amendment which is for one of each. So far as I am concerned, Mr. Chairman, the proposition is so reasonable that I can not conceive that it will not be adopted by the House.

Mr. CLAYTON. Is not the weight of the testimony and authority in favor of the conclusion that ships can be built more cheaply, or certainly as cheap, in the navy-yards as in private yards?

Mr. RIXEY. I think the testimony to that effect is overwhelming. So far as I know, Admiral Bowles is unsupported by any other witness—any other expert witness, certainly. It is true that ex-Secretary Long expressed his opinion against building ships in the navy-yards; but so far as I know the last statement of Admiral Bowles is unsupported in any way by any of the testimony before the Naval Committee.

Mr. FOSS. Did the gentleman hear the letter which I read, a letter of the Secretary of the Navy, which was part of the hearings before the committee?

Mr. RIXEY. I remember that letter.

Mr. FOSS. That was a letter which the Secretary of the Navy laid before the committee saying that the expense would be 25 per cent more in Government yards than in private establishments.

Mr. RIXEY. That is true.

Mr. GAINES of Tennessee. Is it not a fact that Constructor Stahl and Constructor Baxter, in the hearings before the committee of the last Congress, also recommended the building of these ships in our navy-yards?

Mr. RIXEY. Yes. Now, if I can have the attention of the gentleman from Illinois [Mr. Foss] I want to say that Admiral Bowles figures out the additional cost in this way:

I have also added 10 per cent to the material cost to the Government.

I ask why should it cost the Government 10 per cent more for its material than it does a contractor? The Government has the money appropriated in advance; it is in the Treasury ready to be paid out.

Mr. CLAYTON. In answer to the last question propounded, I should like to say that if it costs the Government more than it does individuals there is something wrong, "something rotten up the creek," and we ought to know about it.

Mr. RIXEY. Admiral Bowles then adds "70 per cent to the contract cost of labor, instead of 40 per cent, as given in the card." This, to my mind, is not a fair statement of the relative cost. [Here the hammer fell.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. BUTLER of Pennsylvania having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills and a joint resolution of the following titles:

On May 15, 1902:

H. J. Res. 189. Joint resolution making an additional appropriation for expenses of the dedication of the statue of Marshal de Rochambeau to be unveiled in the city of Washington.

On May 16, 1902:

H. R. 13996. An act making appropriations for the diplomatic and consular service in the Republic of Cuba.

On May 17, 1902:

H. R. 7018. An act for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. FITZGERALD. I move that all debate on this paragraph and amendments thereto be now closed.

Mr. FOSS. I trust not.

The question was put, and those voting in the affirmative answered.

Mr. CANNON rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois [Mr. CANNON] rise?

Mr. CANNON. I move as an amendment that the debate on this paragraph be closed at 4 o'clock and 30 minutes.

The CHAIRMAN. The gentleman from Illinois moves that the debate on this paragraph be closed at half past 4 o'clock.

Mr. GAINES of Tennessee, Mr. UNDERWOOD, Mr. TATE, and others addressed the Chair.

The CHAIRMAN. If gentlemen will contain themselves while the Chair states the proposition, he will be obliged. The gentleman from Illinois has moved as an amendment that all debate upon the section and the amendments thereto be closed at 4 o'clock and 30 minutes.

Mr. GAINES of Tennessee. I make the point of order that we were taking the vote when the gentleman from Illinois made his motion.

The CHAIRMAN. The gentleman from Tennessee is attempting to state a point of order, and meanwhile the Chair will be obliged if the other gentlemen will take their seats.

Mr. GAINES of Tennessee. I make the point of order that the House was taking a vote when the motion of the gentleman from Illinois [Mr. CANNON] was made.

The CHAIRMAN. Will the gentleman from Tennessee wait until there is sufficient order to allow him to be heard? The Committee of the Whole will come to order.

Mr. GAINES of Tennessee. I make the point of order that the affirmative vote on the motion of the gentleman from New York [Mr. FITZGERALD] had been taken and the committee was dividing, and therefore the motion of the gentleman from Illinois was not in order.

The CHAIRMAN. The point of order is overruled.

Mr. UNDERWOOD. I desire to make a point of order that a motion to close debate absolutely is not amendable by a motion to close debate a later time.

The CHAIRMAN. The Chair thinks the amendment of the gentleman from Illinois is in order.

Mr. WILLIAMS of Mississippi. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS of Mississippi. For the purpose of making a parliamentary inquiry, and possibly a point of order. Was not the House dividing at the time the gentleman from Illinois made his motion, and are we not operating under the five-minute rule, and does it not require unanimous consent to extend the time?

Mr. CANNON. I want to say—

The CHAIRMAN. The motion of the gentleman from New York [Mr. FITZGERALD] had been made. The Chair had asked those in favor of the motion to say "aye." The gentleman from Illinois [Mr. CANNON] was upon his feet—the Chair did not know

for what purpose. Without declaring the vote, the Chair recognized the gentleman from Illinois to the extent of inquiring for what purpose he rose. Whereupon he stated that he rose for the purpose of offering an amendment. The Chair recognized him for that motion, for which the Chair understood, he had been trying to get recognition all the time. This is a very common occurrence in the House and in Committee of the Whole. The question is on the motion of the gentleman from Illinois to amend the motion of the gentleman from New York by closing debate at 4 o'clock and 30 minutes.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I now move an amendment that debate close in ten minutes.

The question was taken; and on a division (demanded by Mr. CANNON) there were—ayes 71, noes 96.

Mr. CANNON. Mr. Chairman, I demand tellers.

Tellers were ordered; and Mr. CANNON and Mr. FITZGERALD were appointed.

The committee divided; and the tellers reported—ayes 85, noes, 99.

So the amendment was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from New York to now close debate on this paragraph and amendment.

The motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Massachusetts.

Mr. WM. ALDEN SMITH. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WM. ALDEN SMITH. I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment to the amendment, which the Clerk will report.

Mr. ROBERTS. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTS. Debate is closed.

The CHAIRMAN. That does not preclude the offering of an amendment.

The amendment was read, as follows:

It is further provided that the Secretary of the Navy may, in his discretion, and so far as may in his judgment be practicable, direct that any or all of the vessels herein authorized be built in such navy-yards as he may designate: *Provided*, That the Secretary of the Navy shall build at least one of the battle ships or one of the armored cruisers herein authorized in such navy-yard as he may designate.

Mr. ROBERTS. Mr. Chairman, I make the point of order that it is new legislation, not germane to the bill, and that it is the same thing that has been ruled out by the Chair heretofore, with the exception of one ship.

Mr. WM. ALDEN SMITH. Mr. Chairman, I will state that I offered the amendment in the nature of a substitute for the amendment of the gentleman from Massachusetts.

The CHAIRMAN. Will the gentleman from Massachusetts again state what his point of order is?

Mr. ROBERTS. The amendment offered by the gentleman from Michigan is new legislation. It violates existing law, and it is a limitation on the discretion of the Secretary of the Navy.

Mr. RIXEY. Mr. Chairman, I desire to state, as I understood that amendment, it is exactly what the text of the paragraph is now.

Mr. ROBERTS. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Massachusetts withdraws his point of order. The question is on agreeing to the amendment to the amendment.

The question was taken; and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. ROBERTS. Mr. Chairman, to save time I move that the paragraph now being read and the succeeding paragraph be stricken out.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that so much of the bill as is included between lines 9 and 22, inclusive, be stricken out. Is there objection?

Mr. CANNON. Mr. Chairman, let the paragraphs be read,

The CHAIRMAN. The gentleman from Illinois objects.

The Clerk read as follows:

It is further provided that the Secretary of the Navy may, in his discretion, and so far as may in his judgment be practicable, direct that any or all of the vessels herein authorized be built in such navy-yards as he may designate: *Provided*, That the Secretary of the Navy shall build at least one of the battle ships or one of the armored cruisers herein authorized in such navy-yard as he may designate.

Mr. CANNON. Mr. Chairman—

The CHAIRMAN. The gentleman from Illinois.

Mr. CANNON. I believe I have five minutes.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CANNON. I first move to strike out the last word. [Laughter.] Mr. Chairman, I do not believe that this paragraph ought to be stricken out. Perhaps it ought to be amended. We have, in round numbers, in this country 10 navy-yards. This provision authorizes the Secretary of the Navy to build any or all of these ships in the 10 navy-yards, an important provision, because while by the amendment just adopted he must build 3 in the navy-yards, it is mandatory as to the others authorized. The private yards, perchance, might combine, and he would be at their mercy. This clause in the naval bill has always, as I recollect, so far as I recollect, been in it as a check against combination upon the part of the private yards. Therefore, in my judgment it should not be stricken out. Now, one further word.

Now, one further word. I am quite as anxious as any gentleman of this committee to protect all the labor in the United States. The ten navy-yards, some of them anxious to branch out, were in favor of the amendment adopted a little while ago. The organizations of labor about those navy-yards were anxious to have that provision adopted. It is alleged, and I think the facts show it to be the case, that the construction of ships in the navy-yards will cost more than the construction would cost if it was open to competition. If that be so, in the name of protected labor you protect one-tenth of 1 per cent of it, and you tax the 99.9 per cent who have to take the smaller wage, without pay for holidays, without leave of absence of two weeks in the year. You make them support themselves and work at the smaller wage, and then turn around and tax them for the benefit of the one-tenth of 1 per cent. I am quite willing to risk my vote touching this question upon that statement.

Mr. HEPBURN. Mr. Chairman, I think this is an occasion when we might indulge in a few reflections with reference to the consistency of the gentlemen on the other side of this House. For the last two or three years they have upon all occasions been discussing militarism, the fear of the dominance of the military arm of this Government; and doubtless it has kept many of them awake at night, as they have had visions of the phantoms that come up before them, of the direful results that would follow when this nation of ours was dominated by the military arm of the Government.

Now, these gentlemen, in order to subserve some purpose or other, are willing to invade the domain of labor in this country. They are willing to make the Government dominate that great interest in this land. I insist that it is no part of the business of this Government, and especially no part of the business of the Navy Department, to interfere in any way with labor and labor lines in the country. Here they propose that the Government shall be one of the great employers of labor. Is that democracy? Is not that a departure from all this prating of yours during the last three or four years on this vexed question of militarism? Suppose you can do that, what can you not do? I believe that the Government of the United States ought not in any way to interpose itself as an employer of labor as against other employers of labor. It is a new function of Government. It is one that has been abandoned by the Government in the years past—abandoned because it was not a function of government and because experience has shown that it was unwise.

Do you not remember that in the old days, when the Government was the builder of its own ships, there was a ship that stood upon the stocks for seventy-one years unfinished? That is a truth. It stood upon the stocks until it rotted there, housed as it was. Every experiment of this kind that has been made has been disastrous to the interests of the Government. It has cost more money; it has interfered with labor; it has been harmful in all aspects.

I believe that the true policy of this Government is to divorce as far as possible the military part of this Government from civil affairs. I had something to say a day or two ago about the influence of the Navy in the government of the Navy and the influence of the Army in the government of the Army in the gradual usurpation of places of civil character by military personages.

I believe it is wrong, and that instead of enlarging the civil field for naval and Army officers we ought to curtail it. Instead of having in the Navy Department here more than a hundred officers engaged in the control of the Navy and in the War Department more than a hundred officers in control of the Army they ought to be sent to their proper stations rather than to attempt their own government. And I am opposed now and at all times to enlarging their field. This is a step in that direction. Who can tell, under the influences that have manifested themselves here to-day, where this will end.

I notice as a singular fact that the gentleman from Massachusetts [Mr. ROBERTS], the gentleman from New York [Mr. FITZGERALD], the gentleman from Virginia [Mr. RIXEY], and the gentleman from California [Mr. METCALF] are all earnest advocates of this departure; and the strange coincidence exists that each one of those gentlemen has in his immediate vicinity, to look

after and to secure the political benefits of, a navy-yard whose influence he wants to extend and make still greater. Who does not remember the old political scandals that used to exist under whatever Administration we had with reference to these navy-yards—how they were used politically? Are we not liable to the same influences again? Therefore I am opposed to this.

[Here the hammer fell.]

Mr. FINLEY, Mr. CLAYTON, and Mr. GAINES of Tennessee rose. The CHAIRMAN. The gentleman from South Carolina is recognized. Debate on the amendment has been exhausted.

Mr. FINLEY. I move to strike out the last word.

The CHAIRMAN. That was the amendment.

Mr. FINLEY. I move to strike out the last two words. Mr. Chairman, when this bill was reported to the House it carried in it a provision that at least one battle ship or one of the armored cruisers authorized by the bill should be built in one of the navy-yards of the Government. There was no outcry then by the gentlemen on the other side who are now so much opposed to the amendment of the gentleman from Massachusetts [Mr. ROBERTS], which provides that one each of the battle ships, armored cruisers, and gunboats authorized by the bill to be built shall be constructed at the Government navy-yards.

Gentlemen of the committee, you have heard the debate and have the data before you, and are able to judge as to whether or not it is advisable that a trial should be given to the Government navy-yards (which cost, as I remember, about \$100,000,000 for their construction and equipment) in building some of the vessels authorized by the bill. The burden of the speeches on the other side is to the effect that the amendment proposed is an attack on labor, and will necessarily result in loss of wages and injury to the laboring class. Is this true?

In the Government navy-yards the hours of labor are only eight hours a day, while in the private shipyards, where those who are opposed to this amendment would have all the vessels authorized by this bill to be built, the hours of labor are ten hours a day. The private shipyards require 25 per cent more time each day from the laborer. As I see it, Mr. Chairman, this amendment is in the interest of the laboring men in the Government navy-yards, and if it prevails there will be a great deal more work for them to do.

It is stated that where tests have been made, and notably in the construction of the monitors *Monterey* and the *Monadnock*, that the difference in the cost of construction in favor of the Government navy-yards amounts to about 25 per cent. The money appropriated by Congress to pay for the construction of vessels is expended largely for labor. Now, does it not follow that if vessels can be constructed at the Government navy-yards at a less cost than under the contract system, when the hours of labor in the private shipyards are 25 per cent greater, that the profit is to the contractor and the loss is to the Government and the laborer?

I submit, Mr. Chairman, that the contention is unfounded; that no assault is being made upon labor. The amendment is in the interest of the laboring men employed in the Government navy-yards. Many people contend that the test made in the construction of the *Monterey* and the *Monadnock* will hold good as to the construction of all vessels built in the Government yards as compared with the cost of the same vessels built by contractors at the prices heretofore paid.

The contention is that more money has been paid for the construction of ships for the Navy than should be paid. Now, I ask, first, if this contention should not be settled, and second, if there is any better way of ending the discussion than to give a fair test and an equitable trial to the navy-yards of the Government and to the shipyards of the private contractors by giving to the Government navy-yards one vessel to build of each type authorized by the bill. Can there be anything fairer than this? Can the men who own the private yards ask for more? I submit that the amendment offered by the gentleman from Massachusetts will at least settle the question, and if it prevails, we can have a fair trial, and then a correct basis upon which to make estimates for the future.

The present bill will not end the construction of ships for the Navy. This will continue as long as the Government shall stand, and we will go on building up the Navy and increasing its efficiency. I am in favor of this because I believe it necessary, but I am also in favor of obtaining the most efficient work and the best results in an economical manner, doing justice alike to the Government and to those employed by it. The advocates of this amendment, I repeat, are making no war upon labor. On the contrary, they are endeavoring to do that which, from an economical point of view, will benefit the Government and be of great benefit to the laboring class.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VANDIVER. I move to close debate upon the pending amendment.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is on the amendment. If there be no objection, the pro forma amendments will be considered as withdrawn. [After a pause.] The Chair hears none. The Clerk will read.

Mr. BALL of Texas. Mr. Chairman, I offer an amendment. The Clerk read as follows:

After the word "designated" on page 74, line 15, add: "Provided further, That the Secretary of the Navy shall build all the vessels herein authorized in such navy-yards as he may designate should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, unrestricted competition in letting contracts for the construction of any of said vessels."

Mr. BALL of Texas. I shall not make any speech in support of this amendment. It simply provides—

Mr. CANNON. I think the gentleman has cut his time off. Is this subject to amendment or debate?

The CHAIRMAN. Certainly. The motion of the gentleman from Missouri was to limit debate upon the amendments, which were pro forma amendments. It was not to limit debate upon the paragraph.

Mr. VANDIVER. Mr. Chairman—

The CHAIRMAN. The gentleman from Texas has the floor.

Mr. BALL of Texas. If the gentleman will possess himself with patience, I shall not occupy more than two minutes. The object of this amendment is that in case it shall be apparent to the naval authorities that the parties who shall enter into contract for the construction of these vessels may enter into an agreement or an understanding by which competition is to be shut off, that then all the vessels shall be built in the navy-yards under the direction of the Secretary of the Navy. I ask for a vote on the amendment.

Mr. FOSS. Mr. Chairman, I desire to say that I have no objection to the amendment.

The question was taken, and the amendment was agreed to.

Mr. ROBERTS. Mr. Chairman, I move to strike out all the words from line 9 to 15, inclusive, on page 74 as amended.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out of the bill the paragraph beginning at line 9 and ending in line 15, page 74, as amended.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

And for the purpose of preparing and equipping such navy-yard or navy-yards as may be so designated for the construction of such ship or ships the sum of \$175,000, or so much thereof as may be necessary, is hereby appropriated for each of the navy-yards in which the Secretary of the Navy may direct any such ship or ships to be built.

Mr. ROBERTS. Mr. Chairman, that exact language has been incorporated in an amendment, and I move that those lines from 16 to 22, inclusive, be stricken out.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

The Secretary of the Navy is hereby instructed to keep an accurate account of the cost of inspection and construction of such ship or ships, whether built in Government yards or by contract, and report thereon to Congress at each session the progress of work and cost thereof, including the inspection of all the material going into the construction of such ship or ships, and upon the completion thereof to report a full and detailed statement showing the relative cost of inspection and construction in Government yards and by contract.

Mr. SIBLEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert on page 75, after the end of line 7, the following:

"The sum of \$150,000, or so much thereof as may be necessary, is hereby appropriated for the purpose of purchasing a subsurface torpedo boat, to be constructed under the patent of Clarence L. Burger, of the city of New York, in accordance with the plans and specifications presented to the board on construction of the Navy Department by the Subsurface Torpedo Boat Company through its president, Clarence L. Burger, and one of its naval architects, Mr. Clinton Crane, of the city of New York, on the 2d of May, 1902, and upon which the said board on construction reported to the Secretary of the Navy 'that the said plans and specifications are feasible.'"

Mr. FOSS. To that, Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The gentleman from Illinois reserves the point of order against the amendment.

Mr. CANNON. I want to suggest to the gentleman that as this amendment is liable to lead to debate, why not move that the committee rise?

Mr. SIBLEY. Mr. Chairman, if the gentleman raises the point of order, I can not but recognize the fact that it is subject to a point of order. I do not wish to discuss it if the point of order is raised.

Mr. WILLIAMS of Mississippi. Does the gentleman from Illinois make the point of order?

Mr. FOSS. I reserve the point of order. I would like to hear the merits of the proposition.

Mr. WILLIAMS of Mississippi. Then, Mr. Chairman, I make the point of order.

Mr. SIBLEY. I am informed—

Mr. WILLIAMS of Mississippi. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Mississippi rise?

Mr. WILLIAMS of Mississippi. I make the point of order against the amendment.

The CHAIRMAN. The point of order has been reserved by the gentleman from Illinois and the gentleman from Pennsylvania has been recognized.

Mr. WILLIAMS of Mississippi. I understood the gentleman from Pennsylvania to say that he did not want to discuss it.

Mr. SIBLEY. I stated, Mr. Chairman, that I did not wish to discuss the point of order. I do not consider myself competent to measure lances with the distinguished parliamentarians whom I see upon all sides of me. [Laughter.] If I could have the attention of this committee to the merits of this proposition for the next hour [laughter] I should like to go into it.

The CHAIRMAN. The Chair is ready to rule.

Mr. SIBLEY. I would be glad if an opportunity was presented to discuss this amendment upon its merits. I think the attention of the country should be directed to the merits of this newly designed craft, which probably is one of the most valuable that has ever been called to the attention of Congress. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is demanded, and that is on the point of order raised by the gentleman from Illinois. In the form in which the amendment is presented the Chair sustains the point of order.

Mr. BALL of Texas. Mr. Chairman, I am informed that the amendment which I offered, which was to the paragraph stricken out by the motion of the gentleman from Massachusetts, was inadvertently stricken out. Now, I ask that it be inserted as a separate section.

The CHAIRMAN. The gentleman states that the amendment to the amendment of the gentleman from Massachusetts was stricken out by inadvertence, and he now asks unanimous consent that it be inserted in the bill. Let the amendment be reported.

The Clerk read as follows:

Add as a new section the following:

"Provided further, That the Secretary of the Navy shall build all the vessels herein authorized in such navy-yards as he may designate should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, unrestricted competition in letting contracts for the construction of any of said vessels."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk proceeded and completed the reading of the bill.

Mr. FITZGERALD. Mr. Chairman, there is an undisposed-of amendment on page 21, line 17.

The CHAIRMAN. There is an undisposed-of matter previous to that. The provision of line 7, page 20, was passed over. The Chair thinks the gentleman from Illinois [Mr. CANNON] desired to amend it.

Mr. FOSS. A point of order was reserved by my colleague from Illinois, but he informs me that he does not wish to press it.

Mr. CANNON. Well, I think that while all the boys are getting the pork they better have this pork, but I doubt if the service requires it. I am willing that it should pass on its merits.

Mr. ROBERTS. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTS. The point of order having been reserved on that paragraph and the gentleman from Illinois not wishing to press it, is it open for anybody else to make it?

The CHAIRMAN. Yes.

Mr. ROBERTS. Then I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. I have now the information of which I spoke.

The CHAIRMAN. Without objection, the Clerk will first report the proposed amendment to the provision on page 21.

The Clerk read as follows:

After the word "diem" in line 17, page 21, insert "including Sundays employed."

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] now presents a letter, which the Clerk will read.

The Clerk read as follows:

DEPARTMENT OF THE NAVY,
BUREAU OF YARDS AND DOCKS,
Washington, D. C., May 17, 1902.

MY DEAR MR. FITZGERALD: Referring to your inquiry of to-day in regard to the pay of superintendent of teams at the New York Navy-Yard, I would state that I think it would be entirely proper to provide in the naval act for compensating him for Sundays when actually employed, he being a per diem employee.

In such case the total for civil establishment under that yard should be increased by \$208.

Very truly,

MORDECAI J. ENDICOTT,
Chief of Bureau of Yards and Docks.

Mr. CANNON. This amendment applies, as I understand, to the civil establishment at the navy-yard in New York. I believe this is a proposed change of existing law. I do not think we should encourage these "knights of the quill" in this way.

A MEMBER. No point of order was raised when the amendment was offered.

Mr. FOSS. I reserved a point of order upon it.

Mr. CANNON. I raise the point of order.

The CHAIRMAN. The recollection of the Chair is that no point of order was reserved upon this amendment.

Mr. FOSS. I reserved a point of order.

Mr. FITZGERALD. I believe a point of order was reserved until the information could be obtained; but I wish the point might be withheld until I can explain the purpose of the amendment.

Mr. CANNON. Oh, you have been so courteous on that side toward this side that, though it pains me greatly, I must insist upon the point of order. [Laughter.]

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] concedes that the point of order was reserved, and the gentleman from Illinois insists upon the point of order. The Chair sustains the point.

Mr. FOSS. Mr. Chairman, I move that the committee rise and report the bill with the amendments and with the recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN reported the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, and had directed him to report the same back with amendments and with the recommendation that the bill be passed as amended.

Mr. FOSS. I move the previous question on the amendments and on the bill to its passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? [A pause.] In the absence of such a demand the Chair will take the question on the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time; and it was accordingly read the third time and passed.

On motion of Mr. FOSS, a motion to reconsider the last vote was laid on the table.

EIGHT-HOUR LAW.

Mr. GARDNER of New Jersey. Mr. Speaker, I move to suspend the rules and pass, with the amendments reported by the Committee on Labor, House bill No. 3076, known as the eight-hour law.

The bill, with the amendments reported by the committee, was read, as follows:

A bill (H. R. 3076) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or any Territory, or the District of Columbia, thereby securing better products, and for other purposes.

Be it enacted, etc., That each and every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day; and each and every such contract shall stipulate a penalty for each violation of the provision directed by this act of \$5 for each laborer or mechanic, for each and every calendar day in which he shall labor more than eight hours; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall upon observation or investigation report to the proper officer of the United States, or any Territory, or the District of Columbia, all violations of the provisions in this act directed to be made in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor, his agents or employees, or any subcontractor, his agents or employees. No person on behalf of the United States, or any Territory, or the District of Columbia, shall rebate or remit any penalty imposed under any provision or stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error in fact.

Nothing in this act shall apply to contracts for transportation by land or water, nor shall the provisions and stipulations in this act provided for affect so much of any contract as is to be performed by way of transportation, or for such materials as may usually be bought in open market, whether made to conform to particular specifications or not. The proper officer on behalf of the United States, any Territory, or the District of Columbia, may waive the provisions and stipulations in this act provided for as to contracts for military or naval works or supplies during time of war or a time when war is imminent. No penalties shall be exacted for violations of such provisions due to extraordinary emergency caused by fire, or flood, or due to danger to life or loss to property. Nothing shall be construed to repeal or modify chapter 352 of the laws of the Fifty-second Congress, approved August 1, 1892, or as an attempt to abridge the pardoning power of the Executive.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New Jersey [Mr. GARDNER] to suspend the rules and pass the bill with the amendments.

Mr. RICHARDSON of Tennessee. Was not this bill reported from the Committee on Labor with these amendments?

Mr. GARDNER of New Jersey. It was.

The SPEAKER (having put the question). In the opinion of the Chair, two-thirds have voted in the affirmative. The motion of the gentleman from New Jersey is agreed to, and the bill is passed.

MINING LAWS IN SPOKANE INDIAN RESERVATION.

Mr. SHERMAN. I move to suspend the rules and pass with amendments reported by the Committee on Indian Affairs the joint resolution (H. Res. 193) fixing the time when a certain provision of the Indian appropriation act for the year ending June 30, 1903, shall take effect.

The joint resolution as amended by the committee was read, as follows:

Resolved by the Senate and House of Representatives, etc., That that provision in the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes," which relates to the subjecting to entry under the mining laws of the United States certain lands in the Spokane Indian Reservation, in the State of Washington, shall not take effect and be operative until December 31, 1902.

Mr. RICHARDSON of Tennessee. In order that we may have some explanation of this measure, I ask for a second.

Mr. SHERMAN. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. SHERMAN. The amendment to which this joint resolution relates having reference to the opening up of mineral lands on the Spokane Indian Reservation, was put upon the Indian appropriation act in the Senate. When the matter came up in conference, one of the Senators from the State of Washington stated to the conference committee that the conditions existing in the Spokane Reservation were identical with those in the Colville Reservation, to which we had applied the same provision a year ago.

The Commissioner of Indian Affairs in a note to the Senator from Washington stated that the Department had no objection to the amendment. Subsequently it developed that the allotment had not yet been made to the Indians on the reservation, and the purpose of this provision is to delay the opening of the mineral lands upon the reservation until the 1st of next January, so that in the meantime the allotments which we supposed had been made might be made. That is all there is of it. It is specially asked by the Secretary of the Interior, and it is unanimously reported by the Indian Committee after a very full discussion.

Mr. RICHARDSON of Tennessee. A few days ago did not the gentleman have a similar joint resolution in respect to some other section in this bill?

Mr. SHERMAN. I did not present such a resolution.

Mr. CURTIS. That was in regard to section 8, and the time was extended until July 1.

Mr. RICHARDSON of Tennessee. Of this same bill?

Mr. CURTIS. Yes.

Mr. RICHARDSON of Tennessee. Therefore we will have to pass the bill itself, and the joint resolution which the gentleman from Kansas refers to, and this joint resolution of the gentleman from New York before we get it passed and the bill signed.

Mr. CURTIS. The President will sign the bill as soon as this resolution is passed. The conferees were clearly misled in this. The House conferees hung out against the amendment until it was stated to them that the allotments had been made, and until a letter was obtained from the Commissioner of Indian Affairs, and it was not developed until Friday night—

Mr. RICHARDSON of Tennessee. I am not resisting this resolution, but I want to understand if it would be necessary to pass two joint resolutions after a bill is passed in order to make the bill intelligible.

Mr. CURTIS. Oh, the bill was intelligible without that.

Mr. SHERMAN. It was not necessary to pass two joint resolutions to make the bill intelligible. The conferees had been misled by misstatements, unintentional, I assume—I have no sort of doubt but what they were unintentional—as to the facts, and having passed something in which we find an error before it is too late to correct it, we simply ask to correct it in this way.

Mr. JONES of Washington. I want to suggest also that the land of this reservation has not yet been surveyed even.

Mr. SHERMAN. They have not been allotted and of course they could not be surveyed.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York, which is to suspend the rules and pass the House joint resolution with amendments.

The question was taken, and (two-thirds voting in favor thereof) the bill was passed.

NATIONAL SANITARIUM AT HOT SPRINGS, S. DAK.

Mr. MARTIN. Mr. Speaker, I move to suspend the rules and pass the following Senate bill with amendments.

The Clerk read as follows:

An act for the establishment, control, operation, and maintenance of a national sanitarium of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota.

Be it enacted, etc., That \$150,000 be, and the same is hereby, appropriated for the erection of a national sanitarium for disabled volunteer soldiers at Hot Springs, in the State of South Dakota, which shall be erected by and under the direction of the Board of Managers of the National Home for Disabled Volunteer Soldiers, which sanitarium, when in a condition to receive members, shall be subject to such rules, regulations, and restrictions as shall be provided by said Board of Managers: *Provided*, That such sanitarium shall be erected on land donated to the United States by the people of Hot Springs, S. Dak., and accompanied with a deed of perpetual lease to one or more of the medical or hot springs for the use of the above-named sanitarium, the location and area of the land and springs of hot water to be selected by the Board of Managers of the National Home for Disabled Volunteer Soldiers, or such persons as they may appoint to make the selection of location and hot springs, and that exclusive jurisdiction shall be vested in said Board of Managers over the premises occupied by said sanitarium as over other realty held by said board until further enactment by the Congress of the United States.

SEC. 2. That the further sum of \$20,000 is hereby appropriated, to be used for the transportation to and from said sanitarium of such patients as may be ordered to said sanitarium by said Board of Managers and for equipping and maintaining said sanitarium, subject to the aforesaid rules and regulations of said Board of Managers: *Provided*, That any member of the National Home for Disabled Volunteer Soldiers who shall be certified to said sanitarium by the medical and legal authorities of said Board of Managers shall be admitted and treated thereat until discharged therefrom or returned to some Branch of the National Home by order of said Board of Managers.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

The SPEAKER. The second is demanded by the gentleman from Tennessee.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent that the second may be considered as ordered.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that a second may be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. I object.

The SPEAKER. Objection is made by the gentleman from Tennessee; and the Chair will appoint the gentleman from South Dakota, Mr. MARTIN, and the gentleman from Tennessee, Mr. RICHARDSON, as tellers. The gentlemen will please take their places.

The House divided; and the tellers reported—ayes 119, noes 3. Accordingly a second was ordered.

The SPEAKER. The gentleman from South Dakota [Mr. MARTIN] is entitled to twenty minutes and the gentleman from Tennessee to twenty minutes for debate. The gentleman from South Dakota is recognized.

Mr. MARTIN. Mr. Speaker, this bill has been pending before Congress now for four terms. It proposes to establish a sanitarium in connection with the National Home for Disabled Volunteer Soldiers.

The bill as originally prepared designated it as a branch of the National Home. The purpose of the bill from the start has been a national sanitarium. The amendments offered simply change the phraseology of the bill from a national Home or branch Home to a sanitarium. The way in which that got in that form in the first place was by the recommendation of General Franklin, then one of the board of managers. The bill as now amended corresponds with the original intention of the act.

Mr. CANNON. Mr. Speaker, may I ask the gentleman a question?

Mr. MARTIN. Certainly.

Mr. CANNON. In the amendments which the gentleman proposes, I ask him if the amount appropriated for this hospital or sanitarium is \$150,000?

Mr. MARTIN. Yes, sir.

Mr. CANNON. Now, is it contemplated by the terms of the act that this shall be a hospital and that \$150,000 shall construct it?

Mr. MARTIN. Yes, sir. I may say in that connection that the bill provides that the site for the sanitarium, and also one of the medicinal or hot springs, must be furnished by the people of the place free of charge to the Government. The \$150,000 must go entirely into the construction of buildings, and it is estimated that they can house 500 patients with that amount.

Mr. CANNON. And it is not contemplated by this legislation that there shall be a larger expenditure than \$150,000?

Mr. MARTIN. No, sir; with the sole exception of \$20,000, which is provided in this bill for maintenance.

Mr. CANNON. Oh, yes; for maintenance, but not for additional construction.

Mr. MARTIN. That is all.

Mr. CANNON. The \$150,000 is to finish it?

Mr. MARTIN. Yes; that is the purpose of the bill. Now, I will say that this bill has four times passed the Senate, in four different Congresses. It has been twice reported in this House from the Military Committee, and this time unanimously.

The overcrowded condition of the various Homes of the country, and the further fact that it has been discovered and known

for years that something like 50 per cent or nearly half of the old soldiers in the National Homes are afflicted with rheumatism and kindred troubles, early attracted the attention of the Board of Managers to this proposition.

An experiment was made by the Board of Managers in the sending of a number of members of the National Home at Leavenworth in 1893 to this place. The worst cases of rheumatism were selected. The surgeon and the committee appointed for the purpose of examination report that of the 30 cases sent there, 44 per cent were absolutely cured, completely cured in a period of sixty days, and others very materially improved.

From that time forth the Grand Army of the Republic and the managers of the Soldiers' Homes in various parts of the country have urged this bill upon the attention of Congress. The Grand Army of the Republic, in national encampment at Cincinnati in 1898, unanimously passed a resolution urging upon Congress the passage of this bill. From that time the Grand Army has kept a committee in the field, appointed from year to year, to advocate the bill. Although it has passed the Senate four times, it has now for the first time received the attention of the House.

I might say, Mr. Speaker, that during last month General Torrance, the commander in chief of the National Grand Army of the Republic, visited Hot Springs. He has, as recently as the 12th of April, written a letter in which in the most cordial and positive way he urges Congress to pass this act and from personal inspection testifies to the efficacy of these waters in the cure of these cases.

General Torrance's letter is dated Minneapolis, Minn., April 12, 1902. He says:

I have just returned from a trip to the Hot Springs, South Dakota, where I went to personally examine the place as to its suitability for the location of a sanitarium for the benefit of the surviving Union soldiers of the civil war.

I was accompanied by Mrs. Torrance and my daughter, and while the weather was somewhat against us we were more than pleased with what we saw, and I have no hesitancy in indorsing the strongest recommendations that have been made as to the suitability of the place for such a sanitarium and the efficacy of the climate and the springs to alleviate and in many cases heal diseases common to our aged and unfortunate comrades.

This project has been indorsed over and over again by the national encampments of the Grand Army of the Republic and by a great many departments, including Colorado, Wyoming, Nebraska, Kansas, Missouri, Iowa, Minnesota, and North and South Dakota. The Senate has passed the bill four times, and, as I am informed, it has received the unanimous vote of the Military Committee of several Congresses.

We have in our Minnesota Soldiers' Home a great many inmates who would, I am sure, be greatly benefited if a national sanitarium was established at the Hot Springs, and it seems to me that with the expenditure of a comparatively small sum of money a vast amount of good could be done to those who should receive our prompt and kindest consideration.

The plan is that from the Home at Leavenworth and the Home at Milwaukee and also from other Homes patients shall be sent who are most seriously afflicted with rheumatism, and receive care and attention there and be cured wherever possible.

I have studied the situation, so far as it relates to Leavenworth, and I find that 1,025 patients have been treated during the past twelve months for rheumatism. Some of them have been relieved, others are constantly in course of treatment and suffering.

Now, remember that for the next few years this Government sanitarium quite probably will be supplied with its patients from this Home, and many of them may be cured, which would be a saving of a large expense to the Government, besides contributing to the comfort of the old soldiers.

Mr. WILLIAMS of Mississippi. Is this sanitarium only to be used for soldiers or sailors?

Mr. MARTIN. It is to be used for the soldiers and sailors—veterans of the wars of the country, including the Spanish war.

Mr. WILLIAMS of Mississippi. The soldiers and sailors and veterans, and not in any sense to be a public sanitarium?

Mr. MARTIN. Not at all.

Mr. WILLIAMS of Mississippi. No compensation to anybody?

Mr. MARTIN. No, sir. The sanitarium will be maintained by the Government.

Mr. ROBINSON of Indiana. Mr. Speaker—

The SPEAKER. Does the gentleman yield to the gentleman from Indiana?

Mr. MARTIN. I do.

Mr. ROBINSON of Indiana. Mr. Speaker, I am in accord with the views of the gentleman in stating that this will be a saving to the Government. I am in favor of the project. But I want to state to the gentleman an instance where I was compelled to get quarters for a soldier of my district 200 miles away or to the Soldiers' Home of Illinois, though we have a large and splendid Soldiers' Home at Marion, Ind., 40 miles away from my home and from the home of the soldiers. We had to go to the Home in Illinois to be provided with quarters by reason of the overcrowded condition of the Homes at Marion, Ind., and Dayton, Ohio.

Mr. MARTIN. I will say to the gentleman that I have investigated as to the capacity and membership of the various branches of the National Home.

Col. Thomas T. Knox, inspector of National Home, in his report of December 7, 1901, referring to the combined membership of the eight Branches of the National Home, states as follows:

Population.—The total number of members, present and absent, at the several Branches of the Home on June 30, 1901, was 26,441, of whom 18,859 were present and 7,582 were absent. As compared with the same date of the preceding year there was a gain at four Branches and a loss of four; but the gains exceeded the losses by 902, which represents the net gain in membership. The largest gain was at the new Danville Branch, followed in order by the Pacific, Western, and Eastern Branches. Taking the average number of members on the rolls for the year and the total is reported as 26,290.

Of this number 20,011 was the average present and 6,277 the average absent, and there was a total of 31,884 members cared for. The gain in the average present during the past year as compared with the preceding year was 786, and there was also a gain of 1,154 in the total number cared for. The maximum number present was reported as 21,414 and the minimum as 17,981, thus giving an extreme range of 3,433 members.

At date of inspection the civilian employees numbered 309, consisting of 273 males and 36 females. As compared with the previous year, this is an increase of 31 males and a decrease of 5 females, being a net gain of 26 employees. As the age and bodily infirmities of the inmates increase the number able to do any kind of work will necessarily diminish, and this will necessitate the employment of civilians in constantly increasing numbers.

Housing.—The records show a total of 120 barracks at the several Branches, and so far as reported they are occupied at all of the Branches but one by more members than they were originally intended for. The exception is at the most recently established Branch at Danville, where there is room for more occupants. The average number of occupants per barrack in excess of what they were originally intended for ranges from 4 at the Central Branch to 74 at the Pacific. At another Branch each barrack has an excess of 46 members, and at still another there is an average excess of 17 occupants. Nearly all of the barracks have basements, and at three of the Branches some of the basements are used for sleeping purposes by the members.

The number of members sleeping in places other than dormitories is reported as 2,123, or about 10 per cent of the number constantly present. Of this number, 1,215 were sleeping in attics, 472 in basements, 41 on floors, and 400 in other places not intended for that purpose. At the dates of inspection all but the Central Branch had vacant beds in barracks, the aggregate being reported as 627, and ranging from 22 at the Eastern to 310 at the Southern Branch. Generally these beds were retained for men who were absent on furlough and those sick in hospital, and will doubtless be all occupied as the winter season approaches and the furlough men return.

The average number of members of the National Home for the year 1891 was 17,528, and for 1901, 26,255, showing an increase in ten years of 8,727, or an average yearly increase of 872. The increase for 1901, as shown by the report of Colonel Knox, was 902. The gain in the average number present in the Home for the past three years is as follows: 1899, 290; 1900, 382; 1901, 786; showing that the gain in the average number present last year more than doubled. This demonstrates that as the members grow older they are absent on furlough less, and that the full daily capacity of the Home is more and more taxed to its limit.

The probable number of survivors of the Union Army and Navy in the war of the rebellion on June 30 for a series of years is estimated in a table prepared by Col. F. C. Ainsworth, Chief Record and Pension Office, War Department, as follows:

1902.....	930,380	1910.....	626,231
1903.....	894,585	1915.....	429,727
1904.....	858,002	1920.....	251,727
1905.....	820,087	1925.....	116,073
1906.....	782,722	1930.....	37,033
1907.....	744,196	1935.....	6,296
1908.....	705,197	1940.....	340
1909.....	665,832	1945.....	0

When we remember that as these veterans of the war advanced in years a large proportion of them must seek the privileges of the National Home, it is not unreasonable to consider that the membership of the Home will inevitably increase for the next twenty years. This conclusion is the more assured from the fact that provision must be made for caring for disabled soldiers from the Spanish war. Under the recent decision of the Board of Managers to admit soldiers from the Spanish war temporarily and conditionally, 343 of these men had already been admitted to the several Branches of the Home at the time of the official inspection by Colonel Knox in 1901.

Of the survivors of the war of the rebellion, estimated as of date June 30, 1902, at 930,380, it is estimated that practically 200,000 reside in the States and Territories between the Mississippi River and the Rocky Mountains. In all this vast territory there is but one Branch of the National Home, known as the "Western Branch," located near Leavenworth, Kans. This Branch has been for years in an overcrowded condition. The membership on June 30, 1900, was 3,424, and on June 30, 1901, was 3,601, showing an increase during the year of 177. Of this number, 296 at time of last inspection were sleeping in places other than dormitories, 256 sleeping in basements, and 40 in other unsuitable places.

It is true that the Branch Home now being constructed in Tennessee will provide for the increasing membership east of the Mississippi River for a time, but it is doubtful whether the capacity of the entire National Home will not be overcrowded before there will be any material decline in membership.

But the important fact is that in our entire system of National Homes we have no sanitarium where our disabled soldiers can have the benefit of natural medicinal springs for the cure of rheumatism and kindred diseases. The location named in this bill possesses advantages that can not elsewhere be acquired—advan-

tages provided by nature and so rare in their combination that they are duplicated in only a few instances in the world.

Hot Springs is situated in the mountain region in the southwestern portion of South Dakota at an elevation of 3,400 feet above sea level. It is in a sheltered valley on the southern slope of the Black Hills Range, a branch of the Rocky Mountains. The surroundings are attractive and beautiful. The climate is healthful and entirely free from malaria. It is the site of the State Soldiers' Home of South Dakota, and is already a noted health and pleasure resort.

There are in our National Home thousands of men who are kept there solely because they are afflicted with rheumatism. Hundreds of these may be cured annually and discharged from the Government's care to follow the pursuits of civil life for some years to come. This would be a great saving to the Government. Inspector-General Averell, who investigated this subject thoroughly, estimated that such a sanitarium at Hot Springs would in this manner pay for itself in five years.

But higher and more humane considerations urge the passage of this bill. From the earliest period in our history the valor of the American soldier in time of war has purchased for us the conditions of peace under which the political institutions of the Republic have been established and developed, and the industries of the country have realized their marvelous growth. We can never fully pay the debt of gratitude we owe the veterans of our wars. An opportunity is here afforded to add something to the number of their years and to relieve them from pain and suffering brought on by diseases contracted, in many instances, by exposure endured while fighting the battles of the nation.

The SPEAKER. The gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, I wish to say that the Committee on Military Affairs reported two bills, one for a sanitarium or Soldiers' Home at Deadwood and the other for a Soldiers' Home at Denver, Colo. I wish to say that, in my judgment, a soldiers' home at Denver would be one of the best selections that could possibly be made and far better than the location now being considered, and I am sorry that the gentleman from South Dakota receives the recognition and the gentleman from Colorado does not.

Yet, Mr. Speaker, I must say that I have no word of complaint against the gentlemen from South Dakota. They are doing their best in getting some recognition for the great West, and I will vote in favor of this measure. [Loud applause.] I want to call attention to the fact, Mr. Speaker, that there is no Soldiers' Home in that vast domain extending from the Missouri River to the Pacific Ocean, except one on the Pacific coast and one in the valley of the Missouri River; although more than 20,000 soldiers live within a radius of 400 miles from Denver, and the climatic conditions of Colorado are such that the building of a Home there would be of inestimable advantage compared to the Soldiers' Homes that have been constructed in other parts of the United States.

The Committee on Military Affairs reported my bill in the Fifty-sixth Congress, and again reported it this Congress. I hope, Mr. Speaker, to continue to press my measure until I do get recognition in behalf of the same. I feel that the place for a Soldier's Home in that broad portion of the United States is somewhere in that State, where the soldiers that are afflicted in later life with pulmonary diseases may go and by the mere being there may be cured and end their days in a condition free from pain. I feel that there ought to be a Home there. But I want to say that I can not play dog in the manger and that I have no objection to this measure, and will vote for it, and in every way expedite its passage. [Loud applause.]

Mr. MADDOX. Why is it you can not get recognition for your bill?

Mr. SHAFROTH. I do not know.

Mr. MADDOX. Have you asked for it?

Mr. SHAFROTH. I think we have as favorable a place for a Soldiers' Home as any place in the United States.

Mr. MADDOX. But, I say, have you asked for it?

Mr. SHAFROTH. I have.

Mr. SULZER. How many times? [Laughter.]

Mr. SHAFROTH. The Speaker treated me very frankly. He said he would consider the matter. [Laughter.] He wanted information as to the number of Homes—

Mr. CLAYTON. He said you were a good boy! [Laughter.]

Mr. SHAFROTH. He has not said he would not recognize me, and I am in hopes he will recognize me yet. [Laughter and applause.]

The SPEAKER. The gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. Does the gentleman from Illinois want some time?

Mr. CANNON. Just a minute or two.

Mr. RICHARDSON of Tennessee. I yield to the gentleman.

Mr. CANNON. Mr. Speaker, I should have opposed this proposition for Mammoth Hot Springs, S. Dak., in the shape it passed the Senate. Under its provisions it would have been quite competent for the Board of Managers to construct a Home with capacity for 5,000 people. The bill has been so amended as to cover a sanitarium, and the intention expressed is that the \$150,000 is to complete the sanitarium, and that is all the expenditure contemplated.

I would have no objection to a complete Home, with a holding capacity of two or three or four thousand people, at Mammoth Hot Springs, if it needed it. Now, then, I want to call attention just a moment to another thing. I did not think a complete Home was needed at Mammoth Hot Springs. It is a sparse settlement, and not a large soldier population there or elsewhere. At any rate the people who go there will be people east of the Mississippi River or that locality.

Now, then, there is much room already in the Homes already completed that is not occupied. The Home in Tennessee about which the various Grand Army posts were exceedingly anxious, from the standpoint of health and also pulmonary trouble, was authorized a year ago, and it is now in the process of construction. When complete it will care for 3,000 people. I am satisfied that with the completion of that Home and the building of this sanitarium that in the future, unless we have further war, which I trust we will not have, the capacity of the various Homes is ample to care for the people entitled to admission.

Mr. SHAFROTH. According to that the gentleman from Illinois wants to exclude me entirely. [Laughter.]

Mr. CANNON. Well, I would prefer to vote for a mint or something of that kind that Colorado really needs [laughter], because this I do not think she does need.

The SPEAKER. The question is on suspending the rules and passing the bill with the amendments.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill and amendments were passed.

LEAVE TO PRINT.

Mr. PAYNE. Mr. Speaker, I yield a moment to the gentleman from South Dakota.

Mr. MARTIN. Mr. Speaker, I desire to ask leave to print for my colleague in this matter of the sanitarium, and also for myself.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that he and his colleague may be permitted to print remarks in the RECORD upon the bill that has just passed. Is there objection? [After a pause.] The Chair hears none.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 959. An act granting an increase of pension to William H. Green—to the Committee on Invalid Pensions.

S. 1022. An act for the relief of Alvin M. Ryerson—to the Committee on Claims.

S. 1115. An act for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry—to the Committee on Military Affairs.

S. 1694. An act to provide for compensation for certain employees of the Treasury, War, Navy, and Executive departments—to the Committee on War Claims.

S. 1908. An act to authorize the establishment of a biological station on the Great Lakes, under the control of the United States Commission of Fish and Fisheries—to the Committee on the Merchant Marine and Fisheries.

S. 2162. An act to increase the efficiency and change the name of the United States Marine-Hospital Service—to the Committee on Interstate and Foreign Commerce.

S. 2535. An act granting an increase of pension to Annie E. Joseph—to the Committee on Invalid Pensions.

S. 3212. An act granting a pension to Ellen A. Sager—to the Committee on Invalid Pensions.

S. 3292. An act granting an increase of pension to Henry Loor Reger—to the Committee on Invalid Pensions.

S. 3819. An act granting an increase of pension to William A. P. Fellows—to the Committee on Invalid Pensions.

S. 4064. An act granting an increase of pension to Betsey Gumm—to the Committee on Invalid Pensions.

S. 4204. An act relating to grants of land to the Territory and State of Washington for school purposes—to the Committee on the Public Lands.

S. 4348. An act granting an increase of pension to James Thompson—to the Committee on Invalid Pensions.

S. 4509. An act granting an increase of pension to Robert Lemon—to the Committee on Invalid Pensions.

S. 4515. An act granting an increase of pension to Alfred O. Blood—to the Committee on Invalid Pensions.

S. 4617. An act to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes—to the Committee on the Public Lands.

S. 5403. An act granting an increase of pension to Lyman Hotaling—to the Committee on Invalid Pensions.

S. 5759. An act granting an increase of pension to Charles T. Crooker—to the Committee on Invalid Pensions.

S. 5670. An act granting a pension to Samuel H. Chamberlin—to the Committee on Invalid Pensions.

S. 5669. An act granting an increase of pension to Charlotte M. Howe—to the Committee on Invalid Pensions.

S. 5650. An act granting an increase of pension to William R. Raymond—to the Committee on Invalid Pensions.

S. 5466. An act granting an increase of pension to Edgar T. Chamberlin—to the Committee on Invalid Pensions.

S. 5381. An act to correct errors in dates of original appointments of Capt. James J. Hornbrook and others—to the Committee on Military Affairs.

S. 5316. An act providing for an additional circuit judge in the eighth judicial circuit—to the Committee on the Judiciary.

S. 5227. An act granting an increase of pension to Elizabeth Whitty—to the Committee on Invalid Pensions.

S. 5206. An act granting an increase of pension to John M. Wheeler—to the Committee on Invalid Pensions.

S. 5152. An act granting an increase of pension to Marcellus M. M. Martin, alias Marion M. Martin—to the Committee on Pensions.

S. 5141. An act granting an increase of pension to Charles Barrett—to the Committee on Invalid Pensions.

S. 5079. An act for the relief of George P. White—to the Committee on Claims.

S. 5007. An act granting an increase of pension to James Irvine—to the Committee on Invalid Pensions.

S. 4995. An act to establish an additional life-saving station on Monomoy Island, Mass.—to the Committee on Interstate and Foreign Commerce.

S. 4934. An act granting an increase of pension to Francis M. McAdams—to the Committee on Invalid Pensions.

S. 4912. An act granting an increase of pension to Maggie L. Reaver—to the Committee on Invalid Pensions.

S. 4809. An act granting an increase of pension to Henry J. McFadden—to the Committee on Invalid Pensions.

S. 4766. An act granting an increase of pension to James P. McClure—to the Committee on Invalid Pensions.

S. 4764. An act granting an increase of pension to Queen Esther Grimes—to the Committee on Invalid Pensions.

S. 4617. An act to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes—to the Committee on Public Lands.

S. 3617. An act granting a pension to Leonora V. Stacy—to the Committee on Pensions.

S. 5133. An act granting an increase of pension to Augusta Neville Leary—to the Committee on Invalid Pensions.

S. 5047. An act granting a pension to Eljeroy C. Curtis—to the Committee on Pensions.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8409. An act granting increase of pension to Cyrenus Larabee;

H. R. 8401. An act granting a pension to Henry E. Murphy;

H. R. 8106. An act granting increase of pension to Daniel J. Mahoney;

H. R. 7918. An act granting increase of pension to James C. Pettee;

H. R. 307. An act granting increase of pension to John L. Branson;

H. R. 671. An act granting increase of pension to Orra H. Heath;

H. R. 750. An act granting a pension to Martin Essex;

H. R. 1046. An act granting increase of pension to John J. Martin;

H. R. 1129. An act granting increase of pension to William H. Shaffer;

H. R. 1695. An act granting increase of pension to Christopher C. Perry;

H. R. 1715. An act granting increase of pension to Henry P. Hudson, formerly Henry P. Dow;

H. R. 1696. An act granting increase of pension to Frederick A. Condon;

H. R. 2661. An act granting increase of pension to Oswald Ahlstedt;

H. R. 3829. An act granting a pension to Mary Ann Mellow;

H. R. 4089. An act granting a pension to Ada L. McFarland;

H. R. 4204. An act granting a pension to Hester A. Furr;
 H. R. 5020. An act granting increase of pension to Courtland C. Matson;
 H. R. 5553. An act granting a pension to Nancy E. Hardy;
 H. R. 5554. An act granting a pension to Egbert A. Stricksma;
 H. R. 5911. An act granting increase of pension to Gilbert G. Gabrion;
 H. R. 6021. An act granting a pension to William Kaste;
 H. R. 6063. An act granting increase of pension to John Brill;
 H. R. 6663. An act granting a pension to John York;
 H. R. 6721. An act granting increase of pension to Andrew Ray;
 H. R. 6750. An act granting increase of pension to William H. Hoxie;
 H. R. 7085. An act granting a pension to Hannah H. Graham;
 H. R. 7401. An act granting increase of pension to William Brown;
 H. R. 7541. An act granting a pension to Annie Shinn;
 H. R. 7897. An act granting increase of pension to Michael J. Daly;
 H. R. 5219. An act granting increase of pension to Daniel Donne;
 H. R. 2563. An act granting increase of pension to Robert R. Strong; and
 H. R. 3292. An act granting increase of pension to Arthur H. Perkins.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 89. An act to construct a road to the national cemetery at Dover, Tenn.; and
 S. R. 99. Joint resolution fixing the time when certain provisions of the Indian appropriation act for the year ending June 30, 1903, shall take effect.

And then, on motion of Mr. PAYNE (at 5 o'clock and 15 minutes p. m.), the House adjourned until to-morrow at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory, reported the same without amendment, accompanied by a report (No. 2103); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14082) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak., reported the same without amendment, accompanied by a report (No. 2105); which said bill and report were referred to the House Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4850) to increase the pension of those who have lost limbs in the military or naval service of the United States or are totally disabled in the same, reported the same with amendments, accompanied by a report (No. 2106); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the joint resolution of the Senate (S. R. 8) construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," reported the same with amendments, accompanied by a report (No. 2107); which said bill and report were referred to the House Calendar.

Mr. WEEKS, from the Committee on Claims, to which was referred the joint resolution of the House (H. J. Res. 191) to authorize the officer in charge of the new building for the Government Printing Office to pay full wages to per diem employees carried on the pay rolls of said building on September 17, 18, and 19, 1901, when work was suspended out of respect to the memory of the late President of the United States, reported the same without amendment, accompanied by a report (No. 2112); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the joint resolution of the House (H. J. Res. 192) fixing the time when a certain provision of the Indian appropria-

tion act for the year ending June 30, 1903, shall take effect, reported the same with amendments, accompanied by a report (No. 2117); which said report was ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 475) to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and payment of any balance found due, reported the same without amendment, accompanied by a report (No. 2104); which said bill and report were referred to the Private Calendar.

Mr. FOSTER, from the Committee on Claims, to which was referred the bill of the House (H. R. 4785) to confer jurisdiction upon the Court of Claims to hear and determine claim for damages arising from the death of Carl Zabel, reported the same without amendment, accompanied by a report (No. 2108); which said bill and report were referred to the Private Calendar.

Mr. STORM, from the Committee on Claims, to which was referred the bill of the House (H. R. 8343) for the relief of Robert D. Benedict, reported the same without amendment, accompanied by a report (No. 2109); which said bill and report were referred to the Private Calendar.

By Mr. TRIMBLE, from the Committee on Claims, to which was referred the bill of the Senate (S. 3748) for the relief of M. L. Cobb, administrator of W. W. Cobb, deceased, reported the same without amendment, accompanied by a report (No. 2110); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the Senate (S. 688) for the relief of David H. Lewis, reported the same without amendment, accompanied by a report (No. 2111); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 612) for the relief of John H. McLaughlin, reported the same without amendment, accompanied by a report (No. 2113); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13703) for the relief of N. F. Palmer, jr., & Co., of New York, reported the same without amendment, accompanied by a report (No. 2114); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6229) for the relief of Samuel H. Sentenne and Paul Boileau, reported the same without amendment, accompanied by a report (No. 2115); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1749) for the relief of Katie A. Nolan, reported the same without amendment, accompanied by a report (No. 2116); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 13262) granting an increase of pension to James M. Spencer—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 14483) making appropriation to pay the estate of Samuel Lee, deceased, in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and for his services therein—Committee on Appropriations discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 14509) to regulate the operation of street railways in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. HENRY of Connecticut: A bill (H. R. 14510) to authorize the board of commissioners for the Connecticut River bridge and highway district to construct a drawless bridge across the Connecticut River at Hartford, in the State of Connecticut—to the Committee on Interstate and Foreign Commerce.

By Mr. NEEDHAM: A bill (H. R. 14511) to authorize the relinquishment to the United States of patented lands and claims, and so forth—to the Committee on the Public Lands.

By Mr. BOWIE: A bill (H. R. 14512) to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the time and places for holding courts therein, and for other purposes, approved May 2, 1884—to the Committee on the Judiciary.

By Mr. LESSLER: A bill (H. R. 14513) to provide United States registry for the steamer Success—to the Committee on the Merchant Marine and Fisheries.

By Mr. RUCKER: A bill (H. R. 14577) to promote the circulation of reading matter among the blind—to the Committee on the Post-Office and Post-Roads.

By Mr. TONGUE: A bill (H. R. 14578) to establish a fish-hatching and fish station in the State of Oregon—to the Committee on the Merchant Marine and Fisheries.

By Mr. WARNER: A bill (H. R. 14579) for the appointment of five additional United States commissioners and five additional constables in the Indian Territory—to the Committee on the Judiciary.

By Mr. MERCER: A bill (H. R. 14580) to provide for macadamizing Fort Crook military boulevard from Fort Crook, Nebr., to the city limits of South Omaha, Nebr., and appropriating money therefor—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BEIDLER: A bill (H. R. 14514) granting an increase of pension to Timothy D. McGillicuddy—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 14515) reserving certain lands in the town site of Enid, Oklahoma Territory, for public buildings and public use—to the Committee on the Public Lands.

Also, a bill (H. R. 14516) for the relief of John Kingston—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 14517) for the relief of Calvin L. Childress—to the Committee on War Claims.

By Mr. HEMENWAY: A bill (H. R. 14518) granting an increase of pension to James D. Kiper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14519) granting an increase of pension to Samuel Alexander—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 14520) granting an increase of pension to J. M. Tyree—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14521) granting a pension to James H. Jobe—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 14522) granting a pension to Catherine Pixley—to the Committee on Invalid Pensions.

By Mr. McLACHLAN: A bill (H. R. 14523) granting a pension to Fred J. Henesey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14524) granting a pension to Louise G. Orr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14525) granting a pension to Samuel M. Doolittle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14526) granting a pension to Benjamin Eaton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14527) granting a pension to O. P. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14528) granting a pension to Charles W. Landree—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14529) granting a pension to Henry J. Ackley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14530) granting a pension to Anna McNamara—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14531) granting a pension to Zenobia Bueb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14532) granting a pension to Samuel Vance Conner—to the Committee on Pensions.

Also, a bill (H. R. 14533) granting a pension to Charles A. Sewall—to the Committee on Pensions.

Also, a bill (H. R. 14534) granting a pension to Catharine L. Edgar—to the Committee on Pensions.

Also, a bill (H. R. 14535) granting a pension to Samuel Ackroyd—to the Committee on Pensions.

Also, a bill (H. R. 14536) granting a pension to Allen Neighbors—to the Committee on Pensions.

Also, a bill (H. R. 14537) granting an increase of pension to Isaac L. Blaisdell—to the Committee on Pensions.

Also, a bill (H. R. 14538) granting an increase of pension to Henrietta J. Hazel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14539) granting an increase of pension to Samuel W. Bryning—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14540) granting an increase of pension to Charles Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14541) granting an increase of pension to John J. Overton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14542) granting an increase of pension to Theodore Kluge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14543) granting an increase of pension to Charles M. Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14544) granting an increase of pension to Thomas Bunford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14545) granting an increase of pension to John W. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14546) granting an increase of pension to James H. Whitney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14547) granting an increase of pension to Emmer Bowen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14548) granting an increase of pension to Isaac D. Stine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14549) granting an increase of pension to Albert W. Birkbeck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14550) granting an increase of pension to Dotha J. Whipple—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14551) granting an increase of pension to Charles Charnock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14552) granting an increase of pension to John A. Lennon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14553) granting an increase of pension to Susan A. Volkmar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14554) for the relief of Morgan Everts—to the Committee on Military Affairs.

Also, a bill (H. R. 14555) for the relief of Estaloe H. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14556) for the relief of Elisha D. W. Shekell—to the Committee on War Claims.

Also, a bill (H. R. 14557) to remove charge of desertion against James Dorsey—to the Committee on Military Affairs.

By Mr. MAHON: A bill (H. R. 14558) granting an increase of pension to Jacob A. Hetrick—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 14559) granting a pension to Jonathan Rea—to the Committee on Pensions.

By Mr. NEVIN: A bill (H. R. 14560) granting a pension to Elizabeth Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14561) granting a pension to Georgiana Ballard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14562) granting a pension to John Mendenhall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14563) granting a pension to James C. Jenkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14564) granting an increase of pension to Charles T. McCallister—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14565) granting an increase of pension to Samuel M. Guy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14566) granting an increase of pension to Theophilus Eppelman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14567) granting an increase of pension to James Quilkin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14568) granting an increase of pension to John W. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14569) granting an increase of pension to Jefferson R. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14570) granting an increase of pension to W. H. H. Taylor—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 14571) granting an increase of pension to Henry Ott—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 14572) granting an increase of pension to Robert G. Couch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14573) granting a pension to Alice F. Crawford—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 14574) granting an increase of pension to John W. Sealock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14575) granting an increase of pension to Anthony Allbery—to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 14576) for the relief of Wells & Zerweck—to the Committee on Claims.

By Mr. CUSHMAN: A bill (H. R. 14581) granting a pension to Margaret M. Kollock—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 14582) granting a pension to Alice A. Murray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14583) granting a pension to Warren Casaday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14584) granting an increase of pension to Hiram Booth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14585) granting an increase of pension to Brinsley Ball—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 14586) granting a pension to William Tanner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14587) granting a pension to Francis M. Burke—to the Committee on Pensions.

By Mr. MUDD: A bill (H. R. 14588) granting an increase of pension to Marcena C. S. Gray—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of Winstead Distilling Company and others of Henderson, Ky., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BARTLETT: Resolutions of Dewey Lodge, No. 3, Knights of Fidelity, of Macon, Ga., urging the immediate reduction of the internal-revenue tax on alcohol to 70 cents a gallon—to the Committee on Ways and Means.

By Mr. BEIDLER: Papers to accompany House bill granting a pension to Timothy D. McGillicuddy—to the Committee on Invalid Pensions.

By Mr. BROMWELL: Petition of distillers of Cincinnati, Ohio, in favor of House bills 178 and 179, reducing the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BROWN: Resolutions of common council of Milwaukee, Wis., for the suppression of the beef trust—to the Committee on the Judiciary.

Also, resolution of the common council of Kenosha, Wis., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: Resolutions of National Encampment of Service Men in the Spanish War, favoring the Bell bill, allowing travel pay to volunteers from Manila, P. I., to San Francisco, Cal.—to the Committee on Military Affairs.

By Mr. CASSINGHAM: Resolutions of United Mine Workers' Union No. 774, of Somerdale, Ohio, favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. COUSINS: Petition of Eugene Springer Post, No. 420, of Norway, Grand Army of the Republic, Department of Iowa, for the passage of a bill to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. DRAPER: Resolutions of National Association of Manufacturers, Philadelphia, Pa., in relation to the ship-subsidy bills—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of National Business League of Chicago, Ill., favoring the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the New York Board of Trade and Transportation, in favor of the enactment of the Lovering bill in relation to the export trade—to the Committee on Ways and Means.

Also, resolutions of Unity Camp, No. 10152, Central Federation of Labor; Columbia Association, No. 20, and common council of Troy, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. FINLEY: Papers to accompany House bill 18793, granting an increase of pension to Solomon A. Alexander—to the Committee on Pensions.

By Mr. FOERDERER: Resolutions of National Association of Manufacturers of Philadelphia, Pa., in relation to ship subsidies, isthmian canal, reciprocity, and other bills pending in Congress—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the National Business League, of Chicago, Ill., for the establishment of a department of commerce and labor—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: Petition of Isaac Tipton, of Knoxville, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. GOLDFOGLE: Resolutions of the American Paper and Pulp Association, urging the creation of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Woman's Republican Association of New York City, and Bricklayers' Union of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Rochester (N. Y.) Credit Men's Association, and petition of C. A. Auffmordt & Co., of New York, in favor of House bill 13679, to amend the bankruptcy act—to the Committee on the Judiciary.

Also, resolution of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the National Shoe Wholesalers' Association, asking for the repeal of the tariff on hides—to the Committee on Ways and Means.

By Mr. GROSVENOR: Petition of Mine Workers' Union No. 365, of Hollister, Ohio, for restriction of immigration, etc.—to the Committee on Immigration and Naturalization.

By Mr. HITT: Petition of 27 citizens of Sterling, Ill., for an amendment to bill to prevent the desecration of the flag, etc.—to the Committee on the Judiciary.

Also, resolutions of city council of Evanston, Ill., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. KERN: Petition of St. Louis Live Stock Exchange of East St. Louis, Ill., favoring the passage of House bill 12002—to the Committee on Interstate and Foreign Commerce.

By Mr. KETCHAM: Petition of D. S. Cowles Post, No. 540, Grand Army of the Republic, Department of New York, favoring a bill relating to the modification of the pension laws—to the Committee on Invalid Pensions.

By Mr. LACEY: Resolutions of the Iowa Retail Grocers Association in regard to the bankruptcy law—to the Committee on the Judiciary.

By Mr. MAHON: Papers to accompany House bill for the relief of Jacob A. Hetrick—to the Committee on Invalid Pensions.

By Mr. MANN: Resolutions of the National Business League, Chicago, Ill., favoring the creation of a department of commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. McLACHLAN: Papers to accompany House bill granting a pension to Samuel Ackroyd—to the Committee on Pensions.

Also, papers to accompany House bill granting a pension to Susan A. Volkmar—to the Committee on Invalid Pensions.

By Mr. NAPHEN: Petition of Carl F. Heinzen and others, of Boston, Mass., favoring the passage of bill for reduction of duty on Cuban imports—to the Committee on Ways and Means.

Also, resolutions of the National Business League of Chicago, for the establishment of a Department of Commerce and Labor—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON of Pennsylvania: Resolutions of Allison Brothers Post, No. 144, of Port Carbon, and Jere Helms Post, No. 26, of Schuylkill Haven, Department of Pennsylvania, Grand Army of the Republic, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

Also, resolutions of United Mine Workers' Union No. 1514, of Lost Creek, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, affidavits of Joel A. Dinger and 9 others to accompany House bill granting a pension to Joseph Johnston—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petition of F. J. Smith and other citizens of Rochester, N. Y., for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. SHATTUC: Papers to accompany House bill 13377, for the relief of D. B. Jeffers—to the Committee on Military Affairs.

Also, papers to accompany House bill 4359, for the relief of certain officers and men—to the Committee on Military Affairs.

By Mr. SULZER: Resolutions of the National Business League of Chicago, Ill., in favor of the establishment of a Department of Commerce and Industries—to the Committee on Interstate and Foreign Commerce.

By Mr. SNOOK: Resolutions of Joy Post, No. 152, Grand Army of the Republic, Department of Ohio, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. THAYER: Resolutions of board of aldermen of Somerville, Mass., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. VAN VOORHIS: Resolutions of Encampment No. 118, Union Veteran Legion, Zanesville, Ohio, protesting against the passage of special acts granting pensions—to the Committee on Invalid Pensions.

Also, resolutions of Flint-Glass Workers' Union No. 39, of Byersville, and Cigar Makers' Union No. 173, of Zanesville, Ohio, and citizens of Marietta, Ohio, for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Bricklayers' Union No. 26, and Trades Labor Assembly, of Marietta, and Glass Bottle Blowers' Association No. 20, of Zanesville, Ohio, favoring legislation to exclude Chinese laborers from the United States and insular possessions—to the Committee on Foreign Affairs.

Also, resolutions of Carpenters' Union No. 245, and Painters and Decorators' Union No. 196, of Cambridge, Ohio, favoring the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

Also, paper to accompany House bill for the relief of Anthony Allbery—to the Committee on Invalid Pensions.